The Board of Adjustment of the Township of Denville held its regular scheduled meeting on Wednesday, September 15, 2010. 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, Sean Ryan, Sally Dankos, John Murphy, Frank Passucci
Absent: Mark Wilson
Prof. Present: Larry I. Wiener, Esq., Nicholas Rosania, PE, William Denzler, PP

MINUTES:
September 1, 2010
Motion to adopt the minutes as submitted was made by Mbr. Korn, seconded by Mbr. Ryan and unanimously approved by all Members present and able to vote.

PURCHASING:
Motion to pay voucher(s) submitted by William Denzler & Associates, dated September 9, 2010 subject to the availability of funds, was made by Mbr. Korn, seconded by Mbr. Scollans and unanimously approved by all Members present.

PROFESSIONAL COMMENTS:
Nick Rosania, Township Engineer had no comments other than responding to any board members questions regarding projects around town. Chr. Rodimer commented on the newspaper article regarding the microphones in council chambers and the potential cost of $12K.

William Denzler, Township Planner spoke to the prior night’s Council meeting where the fast-food ordinance was discussed. Mr. Denzler had responded to the letter from Chr. Rodimer’s suggestion and the Council will be reviewing the fast-food ordinance in terms of definition and location and forwarding to the Planning Board.

RESOLUTIONS:

BA 10-22: Michael & Myriam “Giselle” Billeci
17 Broad Street
Block 41311, Lot 6.01
Motion to adopt the memorializing resolution as submitted for the above property was made by Mbr. Scollans and seconded by Mbr. Korn and unanimously approved by all Members present and able to vote.
Roll Call: Ayes – Scollans, Korn, Spiess, Dankos, Ryan, Rodimer

BA 10-23: Patricia Dyer
48 Cedar Lake West
Block 61005, Lot 18
Motion to adopt the memorializing resolution as submitted for the above property was made by Mbr. Scollans and seconded by Mbr. Korn and unanimously approved by all Members present and able to vote.
Roll Call: Ayes – Scollans, Korn, Spiess, Dankos, Ryan, Rodimer

BA 10-25: Bianca Franchi & Thomas Lancaster
233 Cedar Lake North
Block 61302, Lot 91
Motion to adopt the memorializing resolution as submitted for the above property was made by Mbr. Scollans and seconded by Mbr. Korn and unanimously approved by all Members present and able to vote.
Roll Call: Ayes – Scollans, Korn, Spiess, Dankos, Ryan, Rodimer
Motion to adopt the memorializing resolution as submitted for the above property was made by Mbr. Scollans and seconded by Mbr. Korn and unanimously approved by all Members present and able to vote.

Roll Call: Ayes – Scollans, Korn, Spiess, Dankos, Ryan, Rodimer

PUBLIC HEARINGS:

BA 10-24 Short Family Agency
26 Bloomfield Avenue
Block 50305, Lot 207

Chr. Rodimer announced to the public that the applicant requested adjournment and has been carried without further notice to October 20, 2010.

BA 10-27 Eugene & Donna Finnegan
32 Longview Trail West
Block 40811, Lot 511

The applicants, Donna and Eugene Finnegan (32 Longview Trail West) and contractor, Mark Swanson (27 Lakeside Drive, Parsippany) were all present and sworn under oath. Mr. Swanson works for a porch building company called Leisure Living that has been contracted by Mr. & Mrs. Finnegan. Mr. Swanson testified that the Finnegan’s home is approximately 864 sq. ft. on a lot of 50’ x 100’. The proposed three-season porch would project 10’ out the back requiring a “C” variance. 32.7’ where 35’ is required. 30” too close to the rear lot line. Mr. Swanson testified that any location for the porch would require a variance. Further testified that reducing the size within the setback would leave the porch an undesirable 8’ wide. The location was selected due to the existing location of the sliding door and would allow entering the porch from the existing dining room. The highest point of porch will be 4-5’ lower than the existing dwelling. The new porch will use the same footings to maintain the footprint.

Chr. Rodimer inquired about a three season porch versus all year round. Mr. Swanson explained that the single pane tempered safety glass is not conducive to heating.

Chr. Rodimer opened the hearing to the professionals for comments.

Nick Rosania, Township Engineer stated there were no engineering concerns and that the applicant’s testimony was compelling regarding the narrow lot, maintaining the footprint and the setback difference was a minor deviation. In response to Mr. Rosania’s inquiry, he was told that a project of this type costs approximately $18K.

Bill Denzler, Township Planner had no problem with the application stating that the 3’ difference would have minimum impact. Mr. Denzler asked that the board consider a condition of approval requiring the proposed remain a one story structure.

Chr. Rodimer opened to the public.

Mary Margaret May (30 Longview Trail West) was present and sworn under oath. Ms. May spoke to living on the adjacent property and having concerns. Her concerns included size, visibility preventing them from seeing the sky and stating it would have a significant impact on their privacy, as well as drainage and runoff. Stating there are no plans for the removal of water, drainage or absorption.

Mr. Swanson responded that Ms. May was incorrect in her statement that the deck was larger. The size would remain a 10’ x 10’. As the proposed deck will be the same size. Stating that the proposed will not block the view. Mr. Swanson also testified that no additional water will be created and that bare ground beneath the porch will still exist.

Nick Rosania, Township Engineer received confirmation that the porch would be off the ground without a concrete pad and would continue to allow water absorption. Furthermore, the applicant would be able to extend the house out to rear setback at full height without requiring board approval.

Chr. Rodimer opened to the public, and seeing none, closed the public portion.

Chr. Rodimer opened to the board members.

Mbr. Spiess sympathized with Ms. May’s concerns but agreed with the Township Engineer that there is no additional impervious coverage. Stated he was in favor of the application. Mbr. Dankos was also in favor of the proposed porch.

Mbr. Passucci inquired about the downspout and understood possible concern. Mr. Swanson responded that PVC could be added with flexible pipe if required.

Mbr. Murphy agreed with Passucci regarding having the applicant do anything to be a good neighbor and anything that could be done to remove water to front.

Mbr. Ryan had no problems with the application.

Mbr. Korn had no questions.
Mbr. Scollans stated that directing water around the side of the existing house as Nick Rosania indicated would be a good thing to do.

Chr. Rodimer had no comments and thought the proposed was good.

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

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

**BA 10-28 Christopher & Anne Marie Colletti 20 Zeek Road Block 11202, Lot 18**

Christopher Colletti (20 Zeek Road) was present and sworn in. Mr. Colletti spoke to the insurance company requiring that the existing staircase be replaced. The applicant is proposing to construct an expansion of an existing front porch and turning the stairs to the side and extending towards the driveway. The applicant explained that the existing non-conforming home is a non-conforming lot and requires “C” variance relief for front yard setback.

Chr. Rodimer opened the hearing to the professionals for comments.

Nick Rosania, Township Engineer spoke to zoning issues. Lot predates the zoning and any proposal will require some type of variance. Planning sense the home requires a new front porch.

Bill Denzler, Township Planner agrees to the undersized lot in the 2 acre zone. For the record, Mr. Denzler clarified that the actual setback is 24.9’ and not the 46’ as indicated. The actual setback measurement should be from the side of the ROW and not from the center of Zeek Road. Applicant indicated that the porch extends 4’ from the home without the stairs and that the stairs would actually be on the side now instead of the front. The approximate porch will have a dimension of 10’ x 4’ actually increasing the front yard setback.

Chr. Rodimer opened to the public, and seeing none, closed the public portion.

Chr. Rodimer opened the application to the board members.

Mbr. Spiess commented on the hardship due to the zoning, approved of the proposed and was in favor of the application.

Mbr. Dankos agreed with Mbr. Spiess and had no problem with the application.

Mbr. Passucci inquired if the porch would have a poured foundation and had no further questions.

Mbr. Korn suggested the applicant consider increasing the size of the porch to 6’ to allow for chairs. The applicant was interested in having a larger porch that would be more practical. Agreeing that the porch would not exceed beyond the lowest step. Nick Rosania indicated that the proposed change would be de minimis if the board and the applicant wanted to proceed with a larger porch. Mr. Denzler clarified that the board would then be approving a front yard setback of 22’, leaving wiggle room for a small overhang. Mbr. Spiess and several other board members liked the suggested increase in size and thought it would be an improvement.

Mbr. Passucci had none.

Mbr. Scollans liked the application and Mbr. Korn’s suggested revision.

Chr. Rodimer had no problem with the 22’ front yard setback.

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

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

**BA 10-29 Ken & Debbe Woodin 100 Cedar Lake East Block 60402, Lot 156**

Ken Woodin (100 Cedar Lake East) was present and sworn in. Mr. Woodin explained that a driveway exists between his and his neighbor’s home. Having Crystal Drive behind the house, it creates two front yards requiring variance relief to erect a fence in the front yard. Stating a common driveway between the two homes exists. The proposed fence would provide a distinction between the two separate parking areas for the homes and would eliminate headlights in the dining area.

Chr. Rodimer opened the hearing to the professionals for comments.

Nick Rosania, Township Engineer stated that it’s more than a fence as it’s also a privacy issue. Stating a small part of the fence extends into the front yard requiring a variance. No engineering concerns and the neighbor has no problem with it.

Bill Denzler, Township Planner inquired about type of fence. The applicant responded that the fence would be a cedar stockade. Bill Denzler commented that he saw no sight distance issues with the proposed. Stating that the 6’ fence would be allowed in the side yard but because of extending 20’ it requires a variance.
Chr. Rodimer opened to the public, and seeing none, closed the public portion.

Chr. Rodimer opened to the board members.

Mbr. Spiess had no questions and was in favor of the application.
Mbr. Dankos concurred with Mbr. Spiess.
Mbr. Passucci clarified that the picture highlighted is where the fence would be. The applicant confirmed.
Mbr. Murphy inquired about the easement for the common driveway. The applicant confirmed that he was the prior owner of both properties and granted an exclusive easement from 92 Cedar Lake East to 100 Cedar Lake East prior to selling 92. The easement runs the entire length of the property and moved the property line over 10’ to include the driveway in lieu of making a lot line adjustment. Larry Wiener, Esq, received confirmation from the applicant, that the neighbor was noticed, was aware of, and in agreement with, the fence going on the 10’ easement. Mr. Woodin confirmed under oath that the neighbor, Leo “Sal” DeCarolis found the proposed fence acceptable.
Mbr. Ryan had none.
Mbr. Korn commented on the strangeness of the easement and had no further questions.
Mbr. Scollans has no real problem or question on this application.
Chr. Rodimer thought it was interesting but had no comments or questions.

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

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

Motion to Adjourn.

Denean Probasco, Board Secretary
Date Approved