TOWNSHIP OF DENVILLE
BOARD OF ADJUSTMENT
MINUTES

September 7, 2011

The Board of Adjustment of the Township of Denville held its regular meeting on Wednesday, September 7, 2011. The meeting was held in the Municipal Building, 1 St. Mary's Place and commenced at 7:00 P.M. Chairperson Scollans presided.

Secretary Probasco read NOTICE OF PUBLIC MEETING.

ROLL CALL:
Present: Kevin Scollans, John Murphy, Sally Dankos, Arthur Korn, Roger Spiess, James Rodimer, Frank Passucci, Tom Dolan
Absent: Sean Ryan
Prof. Present: Larry Weiner, Esq., William Denzler, PP, Peter Turek, PE

PURCHASING
Motion to pay voucher(s) submitted by Larry I. Weiner (dated August 11, 2011) subject to the availability of funds, was made by Mbr. Rodimer, seconded by Mbr. Dankos and unanimously approved by all Members present.

Motion to pay voucher(s) submitted by William Denzler & Associates (dated August 8, 2011) subject to the availability of funds, was made by Mbr. Rodimer, seconded by Mbr. Dankos and unanimously approved by all Members present.

Motion to pay voucher(s) submitted by Hatch Mott MacDonald, LLC (dated August 16, 2011) subject to the availability of funds, was made by Mbr. Rodimer, seconded by Mbr. Dankos and unanimously approved by all Members present.

CORRESPONDENCE
Chr. Scollans referenced two proposed land use ordinances, 15-11 and 18-11.

PROFESSIONAL COMMENTS
Bill Denzler, Peter Turek and Larry Weiner had no professional comments.

RESOLUTIONS:

BA 11-17: Anthony & Renee Monico
Block 30607, Lot 6
39 Thurmont Road
A motion was made to adopt the resolution by Mbr. Dankos, seconded by Mbr. Korn and unanimously approved by all members able to vote.
Roll Call: Ayes – Dankos, Korn, Passucci, Scollans

BA 11-18: Eric & Deborah Kispert
Block 50403, Lot 6
40 Myers Avenue
A motion was made to adopt the resolution by Mbr. Dankos, seconded by Mbr. Korn and unanimously approved by all members able to vote.
Roll Call: Ayes – Dankos, Korn, Passucci, Scollans

PUBLIC HEARINGS:
BA/PSP/FSPV 11-06: Karter S. Israni
Block 60207, Lot 298
Rockaway Avenue
Chr. Scollans announced to members of the public that at the applicant’s request the public hearing for this application would be adjourned. The public hearing for this application would be carried to November 2, 2011 without further notice.
Chr. Scollans announced to members of the public that the applicant had insufficient legal notice and the public hearing for this application would be rescheduled and noticed.

**BA 11-21:** John and Gloria Bolen Block 40401, Lot 7 293 Franklin Road

The applicants, Gloria and John Bolen (293 Franklin Road) were present and sworn under oath. Mr. Bolen spoke to replacing the existing 10’ high railroad tie wall that was built in 1978. The proposed construction of the retaining wall for steep slopes requires bulk variance relief for wall height. The plans were generated by a professional engineer. Soil samples were performed.

Chr. Scollans opened the public hearing to the professionals.

Bill Denzler, Township Planner stated that the variance is required to construct the proposed 10’ wall where 6’ is permitted. The soil disturbance will be limited as the cut already exists. Stated that the wall would have to be engineered certified to the building department. Bill Denzler inquired if there would be a patio. Mr. Bolen stated that only the deck around the pool was proposed.

Peter Turek stated that this wall would be fully engineered and suggest that the construction be monitored by a professional engineer and that it be engineer certified at the completion of the construction. This will ensure that the wall was built in accordance with the plans.

Chr. Scollans opened to the board.

Mbr. Spiess spoke to the health department’s comment regarding there be no impact to the septic system. Mr. Turek stated that if the proposed wall would be located in the existing location the septic should not present a problem. Adding that the water be diverted away from the retaining wall and that engineer site approval be a condition of approval. Mr. Bolen responded that there would be a drainage system within the retaining wall.

Mbr. Rodimer stated that the bowing out of the bottom of the wall is evidence of the hardship. Mr. Bolen confirmed that the wall is in dire need and a crane is required to put the large rocks in place.

Mbr. Dankos had no questions and commented on it being a nice plan.

Mbr. Korn had none.

Mbr. Passucci inquired about the first course of large block. Mr. Bolen stated that footings would be used based upon the soil samples. Mbr. Passucci commented on gravel filled not dirt.

Mbr. Murphy spoke to the plan being more secure than what exists today. Mr. Bolen stated that the first several feet of the existing wall would remain. The new wall would begin, gravel and drainage system would be added and after the new wall is secure, the top of the existing wall will be removed. Mbr. Murphy inquired if the chain link fence to remain. Mr. Bolen stated that a wrought iron fence would remain. For the record, Mbr Murphy commenting on the uphill side of the wall that is not being worked on. Stating the wall on the uphill side of the wall would require attention in the future. Mr. Bolen stated that the referenced part of the wall was built in 1993. Chr. Scollans commented that the proposed wall was not a nice to do but a need to do. Chr. Scollans referenced the deterioration of the railroad ties. Peter Turek stated that the ties would last beyond our lifetime and should not be a concern.

**BA 11-19:** Ray Rokicki Jr. & Christi Kobus Block 61503, Lot 212 106 East Glen Road

Christi Kobus-Rokicki (106 East Glen Road) was present and sworn under oath. Ms. Kobus stated that they have outgrown their existing space. That the proposed construction of the addition requires a bulk variance for front and side yard setbacks. Testifying that they worked with their architect to ensure that the plans are consistent with the other homes in the neighborhood and would be as green as possible.

Chr. Scollans opened this portion of the public hearing to the professionals.

Bill Denzler, Township Planner inquired about considerations to an alternate location for the addition. Christi Kobus testified that an addition towards the back (Rockridge) would require blasting so the applicant came up with the proposed plan as a better alternative. Further stating the proposed location will remove an existing rock wall that is in a state of disrepair and dangerous. Bill Denzler commented on the proposed plan, despite the requested variances, would bring the home within a consistent setback of the neighboring homes.

Chr. Scollans opened this portion of the public hearing to the board.

Mbr. Korn inquired about tree removal. referenced the front porch, commented on the width of the home and possible impairment of the neighboring property view of the road. Ms. Kobus stated no additional trees were proposed to be removed, the porch would be even with the neighbors. Further stating that the neighbors had seen the plans and were in support of the application. Bill Denzler stated that the open porch could have a condition of approval that it not be closed.
Mbr. Passucci inquired about runoff. Christ Kobus stated that they have been fortunate and have not had a runoff problem. After the construction they would plan to add further vegetation to ensure there are plantings to absorb the water. Mbr. Passucci voiced concern in ensuring that there is no runoff created by the addition. Bill Denzler stated that dry wells could be added to compensate for the additional impervious coverage.

Mbr. Murphy spoke to the hardship of the slope of the property. Stating he would like the porch to remain open as a condition of approval.

Mbr. Spiess commented on the functionality of the plans and that the proposed, including the porch, is aesthetically beautiful. Mbr. Spiess commented on his one concern being the drainage and additional drainage, possibly dry wells for the additional impervious coverage of the property.

Mbr. Dolan had no questions or comments.

Mbr. Rodimer inquired about the agreement line versus the property line on the plans. Larry Weiner spoke to it being “Rockridge” and the worst marked community as it relates to property lines. Christi Kobus added that the property was recently surveyed for the architects use in creating the proposed plans. Mbr. Rodimer liked it and had no further questions.

Mbr. Dankos spoke to the run-off being worked out with the township planner and engineer and liked the plan a lot.

Chr. Scollans spoke to the drainage and that it would be a part of the resolution.

Chr. Scollans referenced that there were no members of the public in the audience and that the public portion of the meeting was closed.

Mbr. Spiess made a motion to approve the application with the following conditions; that the front porch not be enclosed and that the draining meet with the onsite inspection of the township engineer.

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

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

Motion to Adjourn.

Denean Probasco, Board Secretary Date Approved