TOWNSHIP OF DENVILLE
BOARD OF ADJUSTMENT
MINUTES

June 20, 2012

The Board of Adjustment of the Township of Denville held its regular scheduled meeting on Wednesday, June 20, 2012. The meeting was held in the Municipal Building, 1 St. Mary’s Place and commenced at 7:00 P.M. Chairperson Murphy presided.

Secretary Probasco read NOTICE OF PUBLIC MEETING.

ROLL CALL: Present: John Murphy, Roger Spiess, Sally Dankos, Arthur Korn, Sean Ryan, Tom Dolan, Susan Richter
            Absent: James Rodimer, Frank Passucci
            Prof. Present: Larry I. Wiener, Esq., William Denzler, PP

MINUTES:
Motion to adopt the minutes dated May 16, 2012 as submitted, was made by Mbr. Korn, seconded by Mbr. Richter and unanimously approved by all Members present and able to vote.

PURCHASING:
Motion to pay vouchers submitted by Larry I. Weiner, (dated June 12, 2012) subject to the availability of funds, was made by Mbr. Ryan, seconded by Mbr. Korn and unanimously approved by all Members present and able to vote.

Motion to pay vouchers submitted by William Denzler & Associates (dated June 5, 2012) subject to the availability of funds, was made by Mbr. Ryan, seconded by Mbr. Korn and unanimously approved by all Members present and able to vote.

RESOLUTIONS
BA 12-07: Michael & Mary Sheeran
          27 Indian Spring Trail
          Block 40905, Lot 1649
A motion to adopt the resolution of approval was made by Mbr. Korn, seconded by Mbr. Dolan and unanimously approved by all members eligible to vote.
Roll Call: Ayes – Korn, Dolan, Richter

BA 12-09: Darren & Teresa Shetler
          26 St. Mary’s Place
          Block 50402, Lot 4
A motion to adopt the resolution of approval was made by Mbr. Korn, seconded by Mbr. Dolan and unanimously approved by all members eligible to vote.
Roll Call: Ayes – Korn, Dolan, Richter

PUBLIC HEARINGS
BA 12-11: Sean & Carrine Mackey
          2 Pine Lane
          Block 60904, Lot 5
Chr. Murphy announced to members of the public that the above applicant was unable to provide legal notice and would be rescheduled.

MSV 12-03: RMDJ Realty, LLC
           Block 5003.01, Lot 6.10
           57 Old Boonton Road
Chr. Murphy announced to members of the public that the above applicant had requested adjournment, would be carried without further notice to the September 5, 2012 meeting.
BA 12-10: Joseph Holihan & Robyn Scott
11 Hussa Place
Block 40605, Lot 145
The applicant’s, Joseph Holihan and Robyn Scott (11 Hussa Place) were present and sworn under oath. Mr. Holihan referenced that they were proposing to build a rear deck of 12’ x 28’ with a 31.8’ rear yard setback where 35’ is required. Stated the property is sloped.

Chr. Murphy opened to the professionals.

Bill Denzler inquired about meeting the four foot requirement would only leave a non-functional 8’ wide deck. The applicant agreed that this is why there is a 12’ proposed deck. Mr. Denzler inquired if there would be any detriment to the adjacent property owners and the applicant responded there was none.

Mbr. Korn referenced being at the property and stated that the applicant has two front yards. Inquired if there would be any lighting proposed. The applicant confirmed there would be no flood lights and only rope lighting underneath was proposed.

Mbr. Richter had no questions.

Mbrs. Dolan and Ryan had no questions.

Chr. Murphy inquired about stairs off the rear of the deck and possible further impact to the rear yard setback. Joe Holihan indicated there were three steps proposed, possibly 30”. Bill Denzler stated that unless there is a platform, they only measure to the deck itself and it will not change the setback requirements.

Chr. Murphy opened to the public, seeing none, closed the public portion.

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

Roll Call:
Ayes – Spiess, Ryan, Korn, Dolan, Richter, Murphy

BA 12-12: James & Janet Carr
99 Florence Avenue
Block 61307, Lot 568
The applicant’s James and Janet Carr (99 Florence Avenue) were present and sworn under oath. The applicant’s proposing to construct a 8’ x 8’ x 8’ shed requiring bulk variance relief for three front yards. With a mailing address of Florence Avenue.

Chr. Murphy opened to professionals.

Bill Denzler, PP confirmed the property is constrained by three front yards. The shed is small enough from a planning perspective to not have an impact on the adjacent property owners.

Chr. Murphy opened to the board members.

Mbrs. Dolan and Ryan had none.

Mbr. Korn inquired about the contents being lawn equipment and wood. Janet Carr testified that the contents would be storage only and no wood.

Mbr. Richter had none.

Mbr. Spiess had no questions. Commented that the property is nicely wooded and the shed would fit in nicely.

Mbr. Murphy had no questions. Stated the shed was modest in size. Commenting on the difficulty of the three front yards and rocky.

Chr. Murphy opened to members of the public and seeing none, closed the public portion.

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

Roll Call:
Ayes – Spiess, Ryan, Korn, Dolan, Richter, Murphy

BA 12-13: Robert Cassidy
55 Mt. Pleasant Avenue
Block 20602, Lot 11
The applicant, Robert Cassidy (55 Mt. Pleasant Avenue) was present and sworn under oath. The applicant is proposing to construct a new porch to replace the existing with a larger covered porch. As well as, a garage door portico. Both require ‘C’ bulk variance relief for front yard setback. The entire home encroaches on the 50’ front yard setback. The existing porch was 8’ x 15’ and would allow water to leak into the basement due to back pitch.

Bill Denzler, Township Planner stated that when the home was originally built in 1994, the owner received variance relief from the board for it’s non-conforming setback. No impact to surrounding areas. Home sits lower than Mt. Pleasant Turnpike due to the topography. Side portico has not
impact and front entryway improves the aesthetics. Would recommend the board place a condition of approval that the porch remain open. The applicant agreed to this condition.

Chr. Murphy opened to the board.

Mbr. Korn inquired about Robert Cassidy’s prior application. Mr. Cassidy responded. Mbr. Korn commented on the proposed application stating he didn’t see a problem with the home being below road level and heavily screened by evergreens. Mr. Cassidy confirmed that the framing around the garage doors is rotted.

Mbr. Richter commented it would be nice when it’s complete.

Mbrs. Dolan and Ryan had no questions or comments on the application. Chr. Murphy had no questions. Commented that it was dressing up the house.

Chr. Murphy opened to members of the public.

Ted Smith was present and stated he was the applicant’s next door neighbor (53 Mt. Pleasant Turnpike) and came out in support of the application.

Chr. Murphy asked for other members of the public and seeing none, closed the public portion of the meeting.

A motion to approve this application with the condition of the front porch to remain open, was made by Mbr. Spiess, seconded by Mbr. Ryan and unanimously approved by all members eligible to vote.

Roll Call: Ayes – Spiess, Ryan, Korn, Dolan, Richter, Murphy

NEW BUSINESS
Bill Denzler, Township Planner referenced the letter from Clifford Weininger dated May 31, 2012 regarding the resolution for David Dawes, Diamond Spring Road (Block 50501, Lot 17). They are seeking an administrative correction to the resolution to change the medical use to professional use. Finding it difficult to obtain a tenant due to this language.

Mr. Denzler stated that from a zoning perspective he continues to see potential tenants come in for this location. Commenting that a medical use is more intensive than an engineer or attorney’s office. The Township Planner confirmed he has no objection to changing it since it will not change the function of the property. It will remain a residential zone and has no separate parking standard.

Chr. Murphy sought clarification of a professional office. The Board Attorney stated they would have a license. The Township Planner stated that any administrative offices that are licensed. This includes chiropractor, insurance, engineer, attorney, planner and certified public accountant. Any change other than professional will require them to appear before the board. Chr. Murphy commented on not having a problem with this.

Mbr. Dolan inquired about a construction company. Mr. Denzler stated that only the office portion of a construction company would be allowed. There can be no storage of construction equipment at this location.

Mbr. Korn stated that he doesn’t have a problem with a professional office in this location. Mbr. Ryan stated he agreed.

Mbr. Spiess stated that the resolution often states the reasons clearly.

Bill Denzler read the sentence from the resolution and that there is only a reference of medical office. Stating that if they want signage they will be required to appear before the board.

Mbr. Spiess confirmed that he would be in favor of making the change.

Motion to Adjourn.

Denean Probasco, Board Secretary Date Approved: July 18, 2012