The Board of Adjustment of the Township of Denville held its regular scheduled meeting on Wednesday, October 3, 2012. The meeting was held in the Municipal Building, 1 St. Mary’s Place and commenced at 7:00 P.M. Vice Chairperson Spiess presided.

Secretary Probasco read NOTICE OF PUBLIC MEETING.

ROLL CALL: Present: Roger Spiess, Sally Dankos, Arthur Korn, James Rodimer, Frank Passucci, Sean Ryan, Tom Dolan, Susan Richter

Absent: John Murphy

Prof. Present: Larry I. Wiener, Esq., William Denzler, PP

RESOLUTIONS

BA/SS 12-25: Donald & Catherine Salge
1 Garwood Trail
Block 51001, Lots 33
A motion to adopt the resolution of approval was made by Mbr. Dankos, seconded by Mbr. Passucci and unanimously approved by all members eligible to vote.

Roll Call: Ayes – Dankos, Passucci, Rodimer, Korn, Dolan, Richter

BA/SPV 09-18: W&L Associates, LLC
423 Main Street
Block 41307, Lots 2 & 8
A motion to adopt the resolution of approval was made by Mbr. Dankos, seconded by Mbr. Passucci and unanimously approved by all members eligible to vote.

Roll Call: Ayes – Dankos, Passucci, Rodimer, Dolan, Richter

Abstain – Korn, Spiess

BA 12-27: Ronald & Gloria Gregovich
98 Sunset Trail
Block 41109, Lots 342
A motion to adopt the resolution of approval was made by Mbr. Dankos, seconded by Mbr. Ryan and unanimously approved by all members eligible to vote.

Roll Call: Ayes – Dankos, Ryan, Passucci, Richter

Abstain – Korn

BA 12-29: Christian and Karen Dewees
27 Edgewater Drive
Block 60501, Lots 6
A motion to adopt the resolution of approval was made by Mbr. Dankos, seconded by Mbr. Ryan and unanimously approved by all members eligible to vote.

Roll Call: Ayes – Dankos, Ryan, Rodimer, Passucci, Richter

Abstain - Korn

BA 12-30: Richard & Diana Finati
38 TowPath Road
Block 50707, Lots 5
A motion to adopt the resolution of approval was made by Mbr. Ryan, seconded by Mbr. Dankos and unanimously approved by all members eligible to vote.

Roll Call: Ayes – Ryan, Dankos, Rodimer, Passucci, Richter

Abstain - Korn
PUBLIC HEARINGS

BA 12-28: Catherine Barrett (Gary Musciano)
26 Riekens Trail
Block 41002, Lot 26

Larry Weiner, Esq. started with one housekeeping item. The board attorney advised the applicant that the application should have only the applicant’s name, as the applicant bears the burden of the application. Mr. Weiner further advised Mr. Musciano that an architect should not use his name as the applicant on an application in the future.

The applicant, Catherine Barrett (26 Riekens Trail) was present along with Gary Musciano, AIA (611 Main Street, Boonton) and were both sworn under oath. Applicant is proposing to construct a front porch requiring bulk variance relief for front yard setback.

Ms. Barrett testified to requiring relief for front yard setback to add a small 8’ x 14’ sitting porch on the front of her home. The covered porch will replace the existing 4’ x 4’ masonry front stoop.

Mr. Musciano, AIA provided testimony to the other front yard setbacks in the neighborhood. Stating that the application will not be uncharacteristic in the neighborhood. A colorized rendering of the front porch was entered as Exhibit A-1. Neighboring photographs of the existing home were entered as Exhibit A -2. Mr. Musciano stated that the applicant’s dwelling has a staggered front yard setback with the home at 24’ and the garage at 27’. The addition would be 8’ x 13’ and would be replacing the existing 4’ x 4’ stoop. Testified to the neighborhood having a mixed type and size of homes with various setbacks. Will not be uncharacteristic of the neighborhood.

Larry Weiner, Board Attorney asked Mr. Musciano if he was a licensed architect in the State of New Jersey and if he had appeared before other boards. Mr. Musciano confirmed. Mr. Weiner also inquired if approved, that the construction would be as indicated on the drawings that had been submitted. Mr. Musciano confirmed on behalf of the applicant.

Bill Denzler, Township Planner asked if the retaining wall would exceed 4’ in height and if the applicant was agreeable to a condition of approval that the porch remain open. Mr. Musciano confirmed that the wall would not exceed 4’ in height and that the applicant was fine with the condition of approval.

Mbr. Dolan had no questions.
Mbr. Rodimer had no questions and commented that the plan looked good.
Mbr. Ryan had no questions.
Mbr. Dankos had no questions.
Mbr. Passucci commented on sitting on the porch on a rainy day and had no questions.
Mbr. Spiess commented that the plans would be an improvement both aesthetically and functionally.

Mbr. Korn commented on having been to the property and thought that the open porch would be good for building relations with the neighbors.
Mbr. Richter had no questions.
Mbr. Passucci commented that the plans would be an improvement both aesthetically and functionally.

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

Roll Call: Ayes – Ryan, Dankos, Rodimer, Korn, Passucci, Dolan, Spiess

BA 12-31: Kuo-Tung Liang & Xiaohan Zhou
25 Lake Road
Block 60508, Lot 47

Applicant is proposing to construct an addition requiring bulk variance relief for rear and side yard setbacks.

The applicant’s, Kuo-Tung Liang and Xiaohan Zhou (25 Lake Road) were present and sworn under oath. Xiaohan Zhou testified to having a one bedroom home of approximately 900 sq. ft. The proposed addition would square off the side of the home to provide for a second bedroom. Confirming to the board attorney that if approved, the construction would be as indicated on the proposed drawings.

Bill Denzler, PP inquired about the addition proposed addition and inquired if there would be detriment. Ms. Zhou-Liang stated that there was none. The applicant has spoken with the next door neighbor (23 Lake Road) who has the same size property and they are not opposed to the addition.

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

Roll Call: Ayes – Ryan, Dankos, Rodimer, Korn, Passucci, Dolan, Spiess

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

Bill Denzler, Township Planner asked if the retaining wall would exceed 4’ in height and if the applicant was agreeable to a condition of approval that the porch remain open. Mr. Musciano confirmed that the wall would not exceed 4’ in height and that the applicant was fine with the condition of approval.

Mbr. Dolan had no questions.
Mbr. Rodimer had no questions and commented that the plan looked good.
Mbr. Ryan had no questions.
Mbr. Dankos had no questions.
Mbr. Passucci commented on having been to the property and thought that the open porch would be good for building relations with the neighbors.
Mbr. Richter had no questions.
Mbr. Passucci commented that the plans would be an improvement both aesthetically and functionally.

Mbr. Korn commented on being to the home and understands what is proposed.
Mbr. Richter had no questions and commented on the lovely plan.
Mbr. Passucci commented that he saw no problem.
Mbr. Dolan had no questions.
Mbr. Rodimer had none.
Mbr. Ryan had no questions.
Mbr. Dankos had none.
Mbr. Spiess had questions and commented on having no concerns with the proposed.

Chr. Spiess opened to the public and seeing none, closed the public portion.
A motion to approve this application was made by Mbr. Rodimer, seconded by Mbr. Ryan, and unanimously approved by all members eligible to vote.
Roll Call: Ayes – Rodimer, Ryan, Dankos, Korn, Passucci, Dolan, Spiess

**BA 12-32: Michael & Karen Bilza**
50 South Wynde Drive
Block 40816, Lots 1775

Jason Rittie, Esq. of Einhorn, Harris, represented the applicants Michael and Karen Bilza. Mr. Rittie referenced a June 2010 approval from the board. Stating that this would be an interim measure as an economic alternative to the prior approval and requires a rear yard setback requirement.

The applicant, Michael Bilza (50 South Wynde Drive) was present and sworn under oath. Testified that the existing home has a first floor of approximately 1,000 sq. ft. Mr. Bilza stated that they were previously approved to build a two car garage, living room and bedroom but need an interim solution. Applicant is currently proposing to construct a rear addition requiring bulk variance relief for a rear yard setback of 33’ 10.5” where 35’ is required. With the desire for the original approval to remain open. This will allow a small 10’ x 29’ rear room. Mr. Rittie stated that the rear yard setback is actually the railroad right of way.

Chr. Spiess opened to the professionals.

Bill Denzler, PP inquired about the applicant’s living arrangement with his son and grandchildren. For the record, Mr. Bilza confirmed that they were living in the home as one family, open floor plan, fully integrated and would not be making the home a two family dwelling.

Chr. Spiess opened to the board members.

Mbr. Dolan had no questions.
Mbr. Rodimer stated his question was answered.
Mbr. Ryan had no questions.
Mbr. Dankos had none.
Mbr., Korn wanted to confirm that the applicant had no intention of renting the home. Mr. Bilza stated absolutely not.
Mbr. Richter had no questions.
Mbr. Passucci inquired about a shed in the corner. Mr. Bilza confirmed they had a shed and appropriate permits.
Mbr. Spiess voiced that his concern is always drainage and inquired about the property sloping back. Mr. Bilza stated no drainage issues.

Chr. Spiess opened to the public and seeing none, closed the public portion of the meeting.

A motion to approve this application was made by Mbr. Rodimer, seconded by Mbr. Dankos, and unanimously approved by all members eligible to vote.
Roll Call: Ayes – Rodimer, Dankos, Ryan, Korn, Passucci, Dolan, Spiess

**OLD BUSINESS**
Bill Denzler, PP referenced the Thomas & Bonnie Dean application that was recently approved. Mr. and Mrs. Dean are now interested in the addition of an in-ground swimming pool which would require the approved wall to shift. No change in the approved height or area of disturbance. The only change would be in the area of impervious coverage. Mr. Denzler stated that if there were any drainage concerns, the township engineer would address this in the field and require the necessary storm water management measures, dry well, etc.

All board members present were polled and agreed unanimously that this work would not require the applicant to appear before the board of adjustment. That the work could be performed as a field change with the approval of the township engineer and planner.

**NEW BUSINESS**
Mbr. Korn referenced the tri-plex was under construction.

Motion to Adjourn.

Denean Probasco, Board Secretary Date Approved: December 5, 2012