The Board of Adjustment of the Township of Denville held its regular scheduled meeting on Wednesday, August 7, 2013. The meeting was held in the Municipal Building, 1 St. Mary's Place commencing at 7:00 pm and concluding at 10:29 pm. Chairperson Murphy presided.

Secretary Probasco read NOTICE OF PUBLIC MEETING.

ROLL CALL:
Present: John Murphy, Roger Spiess, Sally Dankos, Arthur Korn, Susan Richter, Frank Passucci, Tom Dolan, Tim Fisher
Absent: James Rodimer
Prof. Present: Larry Weiner, Esq., Jason Kasler, AICP, PP, John Ruschke, PE

PURCHASING:
Motion to pay vouchers submitted by Hatch Mott Macdonald, subject to the availability of funds, was made by Mbr. Korn, seconded by Mbr. Richter and unanimously approved by all Members present and able to vote.

Motion to pay vouchers submitted by Larry I. Weiner, subject to the availability of funds, was made by Mbr. Korn, seconded by Mbr. Richter and unanimously approved by all Members present and able to vote.

Motion to pay vouchers submitted by Kasler Associated, subject to the availability of funds, was made by Mbr. Korn, seconded by Mbr. Richter and unanimously approved by all Members present and able to vote.

CORRESPONDENCE
Chr. Murphy referenced there was two pieces of correspondence from the governing body for information purposes. Chr. Murphy thanked the board for their show of support during the recent passing of his mother-in-law.

RESOLUTIONS
BA 13-09: William & Christine VanDean
11 Meadow Street
Block 31403, Lot 11
A motion was made to adopt the resolution by Mbr. Korn, seconded by Mbr. Dankos and unanimously approved by all members able to vote.
Roll Call: Ayes – Korn, Dankos, Passucci, Spiess, Murphy

BA 13-08: William C. Percell
34 Memory Lane
Block 31107, Lot 19
A motion was made to adopt the resolution by Mbr. Korn, seconded by Mbr. Dankos and unanimously approved by all members able to vote.
Roll Call: Ayes – Korn, Dankos, Passucci, Spiess, Murphy

PUBLIC HEARINGS
Chr. Murphy announced to members of the public that the public hearing for Celebrate the Children school has been carried without further notice to August 15, 2013 and would not be heard tonight.

BA 13-12: Brian & Babara Hennessy
42 East Shore Road
Block 40801, Lot 365
The applicants, Brian and Barbara Hennessy (42 East Shore Road) were present and sworn under oath. Brian Hennessy testified to the proposed 6’ x 10’ shed requiring “C” bulk variance relief of 3’ from both the rear and side yard property lines. The requirement in the zone is 10’ setbacks. The
Hennessy’s have no garage or shed at the current time to store items such as tools and bikes. Mr. Hennessy spoke to hardship of the rear small backyard, stating that the proposed would be in keeping with the neighborhood and aesthetically pleasing.

Chr. Murphy opened to the professionals for comments and questions.

The Township Engineer and Township Planner had none.

Chr. Murphy opened to the board members for comments and questions.

Mbr. Korn had no problem with the application.

Mbr. Richter had no questions.

Mbr. Passucci had agreed that a 3’ setback was a good idea.

Mbr. Spiess concurred with his colleagues and supported the application with 3’ rear and side yard setbacks.

Mbrs. Dolan, Fisher and Dankos had no questions.

Chr. Murphy had no questions and commented on neighboring sheds being up to the property line.

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

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

Roll Call: Ayes – Spiess, Dankos, Dolan, Korn, Passucci, Richter, Murphy

BA/PSP/FSPV 12-22: Morris Habitat for Humanity
Lake Lenore
Block 31109, Lot 13.01

Sean Monaghan, Esq. of Schenck, Price, Smith & King, LLP (220 Park Avenue, Florham Park) represented the applicant, Morris Habitat for Humanity. Mr. Monaghan provided a brief overview of the application. This is the second public meeting on this application. The first was held on June 19, 2013.

Alfred Stewart, PE and Land Surveyor of Stewart Engineering (148 East Main Street, Rockaway) was present, sworn under oath and accepted as a professional witness. Mr. Stewart testified that any development of the sight would require steep slopes disturbance.

Steep slopes summary:
- Category > 15% - 53,977 sq. ft, or 1.24 acres of overall 78,410 sq. ft.
- Category 15-20% - 4,664 sq. ft, overall disturbance and 1,994’ sq. ft. driveway area
- Category 20-25% - 2,575 sq. ft, where 6,167 sq. ft. is permitted.
- Category 25-30% - 1,713 sq. ft, where 3,794 sq. ft. is permitted.
- Category > 30% - 5,109 sq. ft, overall and 2,638 sq. ft. driveway area
- On average 50% of the slopes disturbance are due to the driveway, regardless of what is proposed for the dwelling.

Six proposed duplexes with each duplex at 32’ x 40’. Using Sheet 2 of the plans that were submitted to the board, Mr. Stewart testified to the units being stepped in the rear to minimize the amount of disturbance to the property. The proposed dwelling will be situated in the same location as the existing dwelling to be demolished. There will be a walkway that provides for ADA accessibility. NJDEP has provided approval for the 50’ wetland and riparian buffer along Lake Lenore. Minimizing disturbance from the railroad back includes a retaining wall instead of grading. Driveway will be widened to 18’. Trees of significance include a specimen tree of 48” at the bottom of the driveway. Turnaround was adjusted to allow this specimen tree to remain. Mr. Stewart referenced Mr. Ruschke’s April 18, 2013 letter and corresponding recommendations. MCSCD approval was obtained on June 26, 2013. Drainage calculations and Stormwater management were included on the plans. Stating the proposed improvements, paved driveway and curbing will improve the existing runoff into Lake Lenore. Mr. Stewart testified that the project is not a major development as it relates to storm water management. The property is under 1 acre of disturbance with impervious coverage of < ¼ of one acre. Meets the RSIS for parking. 9’ x 23’ to comply with RSIS. 18’ x 40’ turnaround located in front of the specimen tree. Light intensity and driveway grade of 15% will comply with Residential Site Improvement Standards. Proposed project will meet township ordinances and applicant will provide As-Built drawings at completion. Exhibit A-1, Site Comparison profile for 7 Lake Lenore Road was entered to show the locations of property lines, driveways and wooded areas. The closest home is on Lot 13.02 which is 185’ away with the closest home on Memory Lane being located 200’ away. The peak elevation of the roof of the proposed unit will be 22’ below the sight line of the neighboring properties.

Chr. Murphy opened to board professionals.

Jason Ruschke, PE commented on the sequencing of the construction as it relates to notes on the drawings as it relates to Contractors. Requesting that detailed sequence of construction ensure that a contractor gets inspection on Stage 1 prior to commencing Stage 2, ensuring the
contractor doesn’t move on to the next stage until the first area is stabilized. Applicant agreed to this condition.

Jason Kasler, PP requested line of sight and peak heights to be repeated. Mr. Stewart indicated that the 1st floor elevation is 115.86 with peak height of approximately 22’. No other questions at this time.

Chr. Murphy opened to the board members.

Mbrs. Dolan, Fisher and Dankos had no questions at this time. Mbr. Korn inquired about required slope for residential standards. Mr. Kasler confirmed that the slope is not to exceed 16%. The Tree Removal Permit is for 28 trees of 8” and greater. Had no other questions. Mbr. Richter had none. Mbr. Passucci inquired about road improvements and flooding. Mr. Stewart commented on the catch basins, soil erosion standards and rip rap. Mbr. Spiess stated that all his questions had been answered at this time.

Chr. Murphy commented on RSIS standards, the driveway width and 9’ parking spaces at the bottom of the hill. Inquired about 20’. The Township Engineer responded that the 18’ would be a minimum. Widening the road would impact drainage and increase stormwater. It’s a balance. The entire road would have to be cleared during snow removal. Chr. Murphy inquired about the figure of additional disturbance and impervious coverage of increasing the driveway from 18’ to 20’. Mr. Stewart will calculate and respond later in the hearing. Mr. Ruschke stated that increasing impervious coverage increases Stormwater runoff. Chr. Murphy had no further questions at this time. Mr. Kasler added that no-parking signage be in the turnaround area. The applicant agreed.

Chr. Murphy opened to members of the public.

Michele Shaffer (18 Memory Lane) inquired about storm precautions as it relates to whose responsibility of the retaining wall during a storm event. Condominium association and municipality to enforce. Inquired about catch basins responsibility. Mr. Stewart responded that it would be the property owner’s responsibility. Mr. Monaghan responded that it would be the Property Owner’s Association.

Zbigniew Nowacki (37 Memory Lane) inquired about the speed limit of the driveway, the fire department's ladder truck, lighting and NJ Transit. Mr. Stewart restated the dimensions of the turnaround and stated that fire department didn’t raise concerns other than the fire hydrant. Mr. Nowacki inquired about restrictions on the property. Mr. Stewart stated that the original lighting proposed was less than what was requested by the township. Mr. Weiner sought clarification and Mr. Nowacki deferred his question.

Renee Vollmar (16 Lake Lenore) voiced concerns about runoff to the lake. Mr. Stewart provided an overview of the rip-rip, runoff and riparian buffer. This slows runoff and filters out oils and sediment prior to the lake. Ms. Vollmar had inquires about catch basins, snow removal and tree removal.

Paul Longo (41 Memory Lane) inquired about downsizing the project and voiced concern for impacts of stressing out the property and lake. The board attorney interjected. Mr. Stewart spoke to the standards for a single family home. Chr. Murphy interjected and advised Mr. Longo that all residents have an opportunity to come before the board and request a variance.

Anna Nowacki (37 Memory Lane) inquired about school buses and buses for handicapped children. Referenced catch basins to prevent flooding or icing of the tracks as train service was impacted by the last two hurricanes. Mr. Stewart responded to the tracks being 70’ away from property and elevated above the proposed discharge point.

The board attorney spoke to members of the public regarding the protocol of the meeting and to refrain from applause.

Dale Frediani (7 Gunston Ct., Morris Plains) was a notified property owner. Mr. Frediani asked about the sight line of the properties across the lake and inquired about buffering. Exhibit A-2 Aerial Photograph was entered. Mr. Stewart testified to the four lights on 18’ poles proposed, proposed evergreens, the limits of disturbance and the existing buffers.

Jane Martin (29 Memory Lane) voiced safety concerns for children having access to the train tracks. Mr. Stewart responded to the physical barrier of the guide rail and wall between the units and the railroad property that extends the entire face of the units. Stating down in that area is wetlands, wooded and thick.

Salvatore Merenda (27 Memory Lane) inquired about the slopes disturbance and noise. Mr. Monaghan stated it was a hypothetical question. Mr. Stewart responded that a single family home could be built twice the size of the proposed plan and still remain in compliance but was unable to respond regarding the number of trees. Mr. Stewart further stated that none of the proposed development will be in the NJDEP Riparian buffer. Stating that an additional fire
hydrant had been requested by the fire department. Mr. Merenda went on to reference impervious coverage, the proposed grade and potential weather. Mr. Weiner advised Mr. Merenda that this was the time for questions and not comments. Mr. Stewart restated that the MCSCD approval was obtain in June 26, 2013.

Chr. Murphy announced a brief ten minutes break at 9:02 pm and the meeting resumed at 9:13 pm.

Anna Nowacki (37 Memory Lane) inquired if there would be a walkway on one side of the road to safely walk to the bus stop with wild animals. Mr. Stewart responded that it’s a driveway, not a public road and there would be no side walk.

Rick Vollmar (16 Lake Lenore Road) referenced the RSIS standard of 16% for streets not driveways and stated it’s a rural residential access determined by the type of street. Rural residential access having a maximum rate of 12%. Mr. Stewart indicated that the existing driveway slope is 18-20%. Disturbance was discussed along with other possible driveway locations. Mr. Stewart testified that they disturbance of 36.5% of the steep slopes area and 25% for the overall area, with the driveway disturbing 12.5%. Mr. Vollmar referenced a deed restriction on the property. The applicant’s attorney responded that this was discussed at the first public hearing. The board’s attorney responded that there wasn’t a question of whether a deed restriction existed but rather if the condominium constituted a subdivision.

Arthur Rogoff (2 Lake Lenore Road) inquired about the visibility of the lighting and voiced concerns regarding same. Mr. Stewart responded to no removal of existing buffering. Mr. Stewart stated that the light poles would be 15’ instead of previously stated 18’ height. The proposed dwelling will block three of the four light poles.

Robert Belz (7 Memory Lane) inquired about distances and referenced ladder truck. Mr. Stewart stated it was 135’ from Burton Lane to the private driveway and approximately 280’ to the set of catch basins just before the parking area. The township would be responsible for the 135’ and the property owner would be responsible for the latter part. Mr. Stewart stated that 21’ to roof and 25’ to the peak of the roof on the garage side. Mr. Belz stated this should be revisited by the fire department.

Kevin Weber (42 Clearmont) spoke to the 18’ x 40’ turnaround and not being sufficient to turnaround. Stating he agreed it should be reviewed by the fire department better.

Nick Nicoletta (55 Memory Lane) inquired about dates and concepts of the meetings with William Denzler. Mr. Stewart stated September 16, 2010 with Liz DeCoursey and Bill Denzler. The objective was to reduce the impact of disturbance. Referenced 17 parking spots and inquired about dimensions if occupied.

Renee Vollmar (16 Lake Lenore) inquired about enforcement of private property and how parking on the turnaround will be prevented. Mr. Weiner explained that Title 39 exists and that the members of the association will make a phone call if the turnaround is occupied. 2.3 parking stalls per unit was calculated.

Rick Beury (2 Burton Lane) inquired about plans to move the driveway off the corner of his property. Mr. Stewart responded that the driveway will be moved totally on the applicant’s property. Mr. Beury to provide his survey to Mr. Stewart to review and discuss with Mr. Beury.

Chr. Murphy announced to members of the public that the public hearing for this application would be carried without further notice to October 2, 2013.

**Motion to Adjourn.**

Denean Probasco, Board Secretary Date Approved: October 2, 2013