TOWNSHIP OF DENVILLE
BOARD OF ADJUSTMENT
MINUTES

May 7, 2014

The Board of Adjustment of the Township of Denville held its regular scheduled meeting on
Wednesday, May 7, 2014. The meeting was held in the Municipal Building, 1 St. Mary's Place
and commenced at 7:00 P.M. Chairperson Spiess presided.

Secretary Probasco read NOTICE OF PUBLIC MEETING.

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

MINUTES:
April 2, 2014
Motion to adopt the minutes as submitted, was made by Mbr. Korn, seconded by Mbr. Dankos
and unanimously approved by all Members present and able to vote.

PURCHASING:
Motion to pay vouchers submitted by Larry I. Weiner, (dated April 16, 2014) subject to the
availability of funds, was made by Mbr. Korn, seconded by Mbr. Murphy and unanimously
approved by all Members present and able to vote.

RESOLUTIONS
BA 14-01 Scott & Amie DiCola
506 Diamond Spring Road
Block 50803, Lot 10

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, Murphy, Spiess

PUBLIC HEARINGS
BA 13-21 Robert Mariani
29 Hillcrest Drive
Block 61101, Lot 78

(Carried from 03/19/14)

This is the third public hearing on this application with prior hearings held on February 19th and
March 19th. For the record, Chr. Spiess restated Mbr. Fisher's prior recusal on this application.
Further stating that although present, Mbr. Rodimer had not heard the February 19, 2014 audio.

Applicant is seeking to construct a new dwelling requiring ‘C’ bulk variance relief for setbacks, lot
area, lot depth, lot width and steep slopes.

James Pryor, Esq. of Bell Shivas & Fasolo, PC (150 Mineral Springs Drive, Rockaway)
represented the applicant. Stated that during prior hearings the board was concerned with the
overall size of the home and the living space. The revised plan reflects the overall size of the
home was reduced to 2,417 sq. ft. total net square feet.

The applicant, Robert Mariani (3 Roy Street, Rockaway) was present and remained under oath.
Speaking to the architect having modified the plans to close of the storage area that had been
accessible to the second floor on prior plans. The storage area is now accessible from the
garage by pull-down stairs. Stating this was done to eliminate the potential for someone to use
the attic space as living area. The roof line was also adjusted to reduce the attic storage area.

Chr. Spiess opened to the board professionals.

John Ruschke, PE had no comments.
Jason Kasler inquired about a support beam being required in the center of the garage. Mr. Mariani confirmed that they would ensure that the stairs and beams are laid out accordingly.

Chr. Spiess opened to the board members.

Mbr. Murphy thanked the applicant for the changes made regarding the bedroom, attic and fireplace going through the attic space. Spoke to the square footage of the prior and existing plans and asked the applicant to confirm. Mbr. Murphy spoke to a reduction of 241 sq. ft. of the home as it relates to being an approximate 6% reduction. Stating his opinion it was not a good faith effort. Inquiring about the reduction of the roof line and the height of the roof. Mr. Mariani talked to dropping the line above the attic approximately one foot, stating the other roof line could not be reduced. Further stating that the approximate peak of the roof was 28’. Mbr. Murphy referenced the mid-point being more and inquired about the peak. Jason Kasler, PP stated 33’ from steps to the peak and 39’ from basement to the peak.

Mbr. Dankos commented on the design being lovely but the oversize of the home being too large for the area.

Mbr. Passucci agreed with Mbr. Dankos that the size of the home doesn’t meet the character of the neighborhood.

Mbr. Dankos commented on several items including the fireplace, the shower and easement. James Pryor, Esq. stated that the applicant would still be committed to an easement. Revised metes and bounds being in the process. Mbr. Korn concurred with fellow board members that the home is overall too large for the homes in the near vicinity of the neighborhood.

Mbr. Rodimer had not listened to prior audio testimony.

Mbr. Zois had no comments.

Chr. Spiess concurred with fellow board members and asked the applicant how they wished to proceed.

James Pryor, Esq. stated that the board is seeking will require a substantial redesign and requested another hearing date. The applicant consented to an extension of time. The public hearing was carried without further notice to the June 18, 2014 meeting.

After a brief break, the meeting continued at 7:50 p.m.

**BA/PSP/FSPV 14-05 Rockaway River Country Club**

39 Pocono Road
Block 50003, Lot 1

Richard Sweeney, Esq. of Ladddey, Clark & Ryan was present representing the applicant, Rockaway River Country Club. Mr. Sweeney introduced a fellow Ladddey, Clark & Ryan colleague, Ursula Leo, Esq. Both witnesses, Chris Richter and Marc Walker were sworn under oath and accepted as professional witnesses.

Applicant is seeking preliminary/final site plan approval with variances to construct a maintenance building and storage area. The maintenance building would be used to store equipment currently stored outdoors onsite. The unit would be used to store high quality top dressing sand. Eliminating the need of frequent deliveries and storage of 2,500 lb. sand bags. Applicant is also seeking variances for height.

Christopher Richter, PP, PE of Avison Young (1120 HQ Plaza, West Tower, Morristown) was accepted as a professional witness. Mr. Richter used four exhibits to provide an overview of the existing and proposed site improvements.

- Exhibit A-1 – Aerial Photograph of the Site
- Exhibit A-2 – Prior Site Plan
- Exhibit A-3 – Series of photographs of site
- Exhibit A-4 – Series of photographs of site along with architectural

(Dais microphone was used to replace the inoperable wireless handheld at 8:03 p.m.)

The proposed 36’ x 80’ maintenance building would be located to the south of the existing maintenance building that is 22’ in height. A proposed sand silo of 27’ in height would not be visible to the nearby residence due to the evergreen tree buffer. Mr. Richter spoke to the positive and negative criteria and cleaning up the course and eliminating vandalism. Stating negative criteria, being none known. Referenced Burbridge case law. Described the need for the sand storage unit and explained it is a freestanding unit with a water tank appearance. It has a back tube for filling with dressing sand and would be instantaneously installed. Unit will provide for efficient, clean and dry sand storage. The color palette of the maintenance building will match existing buildings. The peak gable height of 22’ is consistent with the existing building structure for a visual tie-in and consistent architecture. The height is necessary to provide 50 ton unit appropriate size and evergreen screening. The existing maintenance building will match existing buildings. The peak gable height of 22’ is consistent with the existing building structure for a visual tie-in and consistent architecture. The height is necessary to provide 50 ton unit appropriate size and evergreen screening. The existing maintenance building at capacity. The lighting (Exhibit A-3) above greens keeper’s office is motion activated. Applicant requests a waiver for any additional lighting along with other waivers referenced in the March 24, 2014 planning report. Reference 158 acre property, the number of waivers and limiting those details to those of the project. Mr. Richter referenced waivers for landscaping, lighting, topography, solid waste and recycling. Parking to remain status quo. Mr. Sweeney stated that the maintenance staff is not increasing. The freestanding dumpster is serviced weekly. No
outstanding taxes or assessments. Stated findings are consistent with Master Plan and the application is an asset to the community.

Chr. Spiess opened to board professionals.

Jason Kasler, PP referenced trees to be maintained. Chris Richter, PP confirmed the trees would remain but be trimmed. Jason Kasler inquired about sand storage bin. Mr. Richter confirmed that a vehicle has to fit beneath the unit, thus the height of the unit. The deliveries will be quarterly instead of monthly.

Chr. Spiess opened to the board professionals.

Mbr. Fisher commented on the property being well maintained and the proposed serving as an additional enhancement.

Mbr. Dankos commented that the proposed was great and voiced support of the project.

Mbr. Passucci inquired about number of buildings and commented on the proposed being an enhancement.

Mbr. Zois had no questions and commented on a great plan that would clean up the area and look nice.

Mbr. Korn inquired about sidewalks from the last application for the Pro shop renovations (Exhibit A-2 prior application) Sidewalks within the three islands in the parking lot were not needed. Due to operational issues during construction they served no purpose. Applicant requested a waiver for the sidewalks and leaving this area green. Mr. Richter confirmed there has been no incidents in parking lot, green space better served than concrete. Mr. Ruschke confirmed the parking lot is functional as it is and doesn’t create a problem. Mr. Kasler commented on not seeing a problem with it. Mr. Richter spoke to it being in the area of where you would park if your car wasn’t valeted. Chris Richter, PP confirmed that it wasn’t a detriment to the public. Mr. Korn inquired of Ruschke and Mr. Miller (the resident across the street). Mr. Ruschke confirmed that a compromise was met and the resident was satisfied. Chr. Spiess commented on being in favor or granting a waiver for the sidewalks.

Marc Walker, PE, Principal of Dykstra Walker Design Group (21 Bowling Green Parkway, Lake Hopatcong) was accepted as a professional witness. Mr. Walker spoke to the drainage, infiltration and soil conditions. Referencing the high point between the two buildings where stormwater is directed to. A swale area between the trees consisting of sand allows for quick infiltration. A slight increase of approximately 3,800 sq. ft. of impervious coverage percolates into the ground. John Ruschke confirmed the proposed met his approval. Stating that MCSCD approval will be required, no restrooms will be provided and an As-Built would be required.

Mbr. Korn inquired about pesticides and chemicals into the ground. Mr. Walker deferred. Mr. Richter stated that the club is heavily regulated with the products they use.

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

A motion to approve this application, with waivers and conditions, was made by Mbr. Korn, seconded by Mbr. Dankos, and unanimously approved by remaining board members eligible to vote.

Roll Call: Ayes - Korn, Dankos, Zois, Passucci, Fisher, Spiess

OLD BUSINESS

RJR Developers LLC v Township of Denville and Zoning Board of the Township of Denville Docket No: MRS-L006580-14

Larry I. Wiener, Esq. referenced the above litigation had been settled. The Council having signed off on the settlement at the prior night’s meeting. The board attorney advised the board to authorize Chr. Spiess to sign the settlement agreement.

A motion to approve this authorization was made by Mbr. Korn, seconded by Mbr. Fisher, and unanimously approved by remaining board members eligible to vote.

Roll Call: Ayes - Korn, Fisher, Zois, Passucci, Dankos, Murphy, Spiess

NEW BUSINESS

Secretary Probasco referenced the withdrawn application previously scheduled for June 2nd.

Mbr. Korn referenced the recent bus tour and it being beneficial, suggesting it be an annual event.

ADJOURNMENT

Motion to Adjourn at 8:48 pm.

Denean Probasco, Board Secretary Date Approved: June 4, 2014