TOWNSHIP OF DENVILLE
BOARD OF ADJUSTMENT
MINUTES

August 6, 2014

The Board of Adjustment of the Township of Denville held its regular scheduled meeting on Wednesday, August 6, 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.

Absents: James Rodimer, John Murphy
Prof. Present: Larry I. Wiener, Esq., Jason Kasler, AICP, PP, John Ruschke, PE, Tiena Cofoni, Esq.

MINUTES:
June 18, 2014
Motion to adopt the minutes as submitted, was made by Mbr. Fisher, seconded by Mbr. Dankos and unanimously approved by all Members present and able to vote.

PURCHASING:
Motion to pay vouchers submitted by Hatch Mott MacDonald, (dated July 3, 2014) subject to the availability of funds, was made by Mbr. Dankos, seconded by Mbr. Fisher and unanimously approved by all Members present and able to vote.

Motion to pay vouchers submitted by Kasler Associates, PA, (dated July 24, 2014) subject to the availability of funds, was made by Mbr. Dankos, seconded by Mbr. Fisher and unanimously approved by all Members present and able to vote.

Motion to pay vouchers submitted by Larry I. Wiener, Esq., (dated July 17 2014) subject to the availability of funds, was made by Mbr. Dankos, seconded by Mbr. Fisher and unanimously approved by all Members present and able to vote.

RESOLUTIONS

BA 14-12 Michael Whalen
58 Richwood Place
Block 30708, Lot 14
A motion was made to adopt the resolution by Mbr. Dankos, seconded by Mbr. Fisher and unanimously approved by all members able to vote.
Roll Call: Ayes – Dankos, Fisher, Spiess

ABA/PSP/FSPV 14-08 Harju Properties, LLC
3017 Route 10
Block 11203, Lot 8
A motion was made to adopt the resolution by Mbr. Richter, seconded by Mbr. Fisher and unanimously approved by all members able to vote.
Roll Call: Ayes – Richter, Fisher, Korn, Passucci, Dankos, Spiess
PUBLIC HEARINGS

Larry I. Wiener, Esq. stated that he would be recusing himself on one of the tonight’s public hearings and asked Mr. Roughgarden to step forward.

BA/SS 14-14 17 Long View Trail, LLC
17 Long View Trail
Block 40802, Lot 467

Larry I. Wiener, Esq. spoke to an issue of legal notice. Explained that there was a discrepancy in the proof of certified mailing based upon an incorrect street number on the receipt. Stated there was a potential omission regarding one of the property owners. Having received an affidavit from the applicant’s attorney, copies on the dais for the board members. The board attorney stated that there wasn’t a guarantee and a possibility of an inadvertent property owner appearing later. Suggesting that the application be carried to the next available meeting on the calendar.

Frederick Roughgarden, Esq. (350 Lafayette Avenue, Hawthorne) represented the applicant. Mr. Roughgarden, Esq. provided a summary of the steps taken to obtain confirmation of the delivery of the website and through phone calls to the Denville and Hawthorne post offices. The letter was undeliverable with envelope waiting at the post office.

Chr. Spiess polled the board. Mbrs. Zois, Richter, Fisher and Passucci were in favor of proceeding. Mbr. Korn inquired about the frequency of not receiving confirmations in time. Mbr. Dankos voiced concern for a future potential problem for board or town. Chr. Spiess inquired if the applicant or their legal counsel attempted knocking on the door. Mr. Roughgarden responded they had not. Chr. Spiess stated a mistake was made and agreed with Mbr. Dankos to play it safe and not to proceed with tonight’s public hearing on this application. Frederick Roughgarden, Esq. emphasized his attempts to personally verify there was no mistake. After a second poll of the board, Mbrs. Fisher, Dankos and Passucci agreed with the board attorney. Chr. Spiess indicated it was a majority and the hearing would be rescheduled.

Mr. Roughgarden, Esq. disagreed and Mr. Wiener noted his objection. Mr. Roughgarden was asked to respect the board’s decision despite his disagreement. The board attorney announced to the members of the public that the application was carried to September 3, 2014 with no further notice, except for the one property owner.

BA/SS 14-15 Michael Meola
58 Lakewood Drive
Block 51008, Lot 24

The applicant, Michael Meola (46 Smith Road) was present and sworn under oath. Applicant is seeking to construct a new dwelling requiring “C” bulk variance relief for steep slopes and setbacks. Mr. Meola testified to being a new homes builder for over 50 years and read a statement into record regarding his qualifications. Mr. Meola provided a packet of eight photographs he had taken (Exhibit A-1). Spoke to the property being undersized and the existing home having been abandoned and in a state of disrepair. Provided a summary of the proposed dwelling, deck, setbacks and onsite parking. The applicant provided two letters (Exhibit A-2) showing the property was offered for sale to the adjacent property owners.

Chr. Spiess opened to the professionals, board and public for questions. There were none.

Mr. Steven Ira Smith, PP of Jaman Engineering Associates (320 Route 10 West, Randolph) was also present and accepted as an expert. Mr. Smith spoke to the existing conditions of the site and the dwelling on the property being in a state of disrepair. Using the six page set of plans, dated May 20, 2014, Mr. Smith continued his testimony.

- Sheet 1 – Plot Plan
- Sheet 2 – Existing Conditions Plan
- Sheet 3 – Grading Plan
- Sheet 4 – Steep Slopes Plan
- Sheet 5 – Soil Erosion & Sediment Control Plan
- Sheet 6 – Details
The proposed dwelling would be served by public water and sewer. The proposed front yard setback of 20.51’ where 25’ is required. This is the same front yard setback as the existing home. The existing rear yard setback is 45.93’ where 35’ is required. The proposed home would have a 35.74 rear yard setback to the dwelling and 25.73’ to the deck. The side yard setback on the right would increase from the 4.25’ to 5.5’ where 8’ is required. The side yard setback on the left would increase from 4.48’ to 5.49’. While the lot width and depth would not be in conformity, they are not changing from the existing. Minimum lot depth of 47.59’ where 60’ is required. Minimum lot depth of 94.46’ where 125’ is required. At 28.36’ the proposed building height would be in conformance with the required 35’.

Due to the proximity to the lake, the applicant would be in compliance with MCSCD’s requirements, despite being under the 5K threshold.

Mr. Smith provided a review of requested variances. The minimum lot depth is 95’ where 105 or 125’ is required. The proposed front yard setback is larger than the adjacent properties. This was done to allow for onsite parking. The proposed rear yard setback to the deck is larger than the required. This was done to provide a usable yard (due to steep slopes) and nice view of the lake.

In closing, Mr. Smith spoke to the positive and negative criteria of the project and that the proposed was without detriment to the public good. Stating the elimination of an aesthetic nightmare and potential safety hazard far outweighs the minor requested variances. Will not impair the master plan. Referenced June 25, 2014 planning report from Kasler Associates, and took no exception to the items referenced in this report. Referenced July 3, 2014 engineering report from Hatch Mott MacDonald. Applicant understands NJDEP approval is required. (2) Applicant agreed a FHA required. (2) Applicant stated this isn’t necessary based upon being under the 5K requirement. (3) A roof drain drywell was not proposed but applicant agreed to work with Township Engineer to ensure proper water distribution measures. (4) Applicant agreed to revised architectural plans to reflect setback to avoid impact to retaining wall. (5) Applicant doesn’t believe this is necessary since they are two separate walls. (6) Applicant agreed to revised plans reflecting the removal of cement to the property line. (7) Applicant agreed to stockpile size comments. (8) Applicant agreed to have the soil and sediment control measures included on the plans.

Chr. Spiess opened to the board professionals.

John Ruschke, PE spoke to soil erosion control measures and agreed with the wall acting as a barrier until the point of the 90 degree turn. Stating details need to be worked out to minimize the water runoff to the neighbor and ensure mitigation. Proposed won't have the vegetation. Roof leaders can dissipate for infiltration, landscaping can assist in mitigating. Spoke to the sensitivity of lake properties as it relates to the MCSCD, and requested a super silt fence instead of the conventional silt fence to avoid sediment to the lake.

Jason Kasler, PP spoke to the one step onto the porch and inquired about the size of the proposed landing. Mr. Smith responded that the architects drawing is incorrect. It will be flush and there is not a step. The township planner inquired if the setback measurements where to the building or the eaves of the home. Mr. Smith stated the setbacks were to the home. Further stating that in 47 years he hasn’t had a town measure to the eaves instead of the home. Jason Kasler stated future planning reports would include both dimensions for the boards. Mr. Kasler inquired about the retaining wall. Mr. Smith stated it would be 3.7’.

John Ruschke, PE repeated his request for testimony on the dwelling size. Mr. Meola responded that it was his desire to keep the home appealing and functional by avoiding home 20’ wide.

Mbr. Passucci inquired about the runoff. The township engineer confirmed that the stormwater could be addressed with the applicant to his satisfaction. Mbr. Passucci inquired about an encroachment of the dock. Steve Smith, PE confirmed that the dock was not an encroachment and was part of Lot 25.

Mbr. Dankos had none.

Mbr. Fisher stated his questions regarding the stormwater runoff had been addressed. Mbr. Korn thanked the applicant for a thorough application that was logical. Referenced the eaves of approximately 12’ and stated he had no problem with them. Stating the steep slopes and parking situation will be an improvement. Referenced the property
August 6, 2014

maintenance ordinance and officials falling down on the job. Size consistent with the neighborhood and voiced being in full support of the application.
Mbr. Richter had no questions and commented that the plans look nice.
Mbr. Zois had no questions. Stating he didn’t go in the dwelling. Commented on the eyesore. Referenced his questions have been answered. Commented on the size being appropriate for the neighborhood.
Chr. Spiess commented.

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

Gene Feyl, representing the Lakewood Association was present and sworn under oath. Mr. Feyl testified that the Club and Board of Trustees fully support the application. Stated that the property was brought to the attention of Mr. Meola through the property maintenance code. Voicing concern that all water be diverted to the lake with proper filtration. Commenting there is no further impervious coverage proposed on the site plan. Urged the board to approve the application and remove the blight from the neighborhood.

Ann Paul (60 Lakewood Drive, Lot 25) was present and sworn under oath. Inquiring about the setbacks. Mr. Smith responded to the adjacent property owner.

Conditions of approval, included but not limited to NJDEP approval, deck support columns to be set back from retaining wall and must meet approval of township engineer. Plan revisions to include relocating retaining wall from property line. Stormwater runoff plan and landscaping plan must meet with township engineer’s approval. Super silt fence to be used in the rear yard during construction to prevent soil erosion. No raised front step. Approved setbacks are to the building wall and not the eaves. Mr. Smith clarified that MCSCD is not a required condition.

A motion to approve this application with conditions, was made by Mbr. Fisher, seconded by Mbr. Dankos, and approved by a majority of board members eligible to vote.
Roll Call: Ayes – Fisher, Dankos, Korn, Richter, Passucci, Spiess

NEW BUSINESS
Secretary Probasco referenced the League of Municipalities memorandum that had been distributed.

ADJOURNMENT

Motion to Adjourn at 8:47 pm.

Denean Probasco, Board Secretary Date Approved: September 3, 2014