TOWNSHIP OF DENVILLE
BOARD OF ADJUSTMENT
MEETING MINUTES

February 18, 2015

The Board of Adjustment of the Township of Denville held its scheduled reorganization meeting on Wednesday, February 18, 2015. The meeting was held in the Municipal Building, 1 St. Mary's Place and commenced at 7:02 P.M. Chr. Spiess presided.

Secretary Probasco read NOTICE OF PUBLIC MEETING.

ROLL CALL:
Present: Roger Spiess, Frank Passucci, James Rodimer, Sally Dankos, Susan Richter, Arthur Korn, John Murphy, Tim Fisher,
Absent: None
Prof. Present: Larry Weiner, Esq., John Ruschke, PE, Jason Kasler, AICP, PP

MINUTES:
February 4, 2015
Motion to adopt the minutes as submitted was made by Mbr. Rodimer, seconded by Mbr. Passucci and unanimously approved by all members able to vote.

PURCHASING:
None.

RESOLUTIONS:
BA 14-18 David & Lisa Quincyce
92 West Shore Road
Block 40517, Lot 224
A motion to adopt the resolution of approval was made by Mbr. Dankos, seconded by Mbr. Rodimer and approved by a majority of members.

ROLL CALL:
Ayes – Dankos, Rodimer, Fisher, Spiess
Nays – Korn, Passucci, Murphy

BA/PSP/FSPV 14-28 Josephine Turallo & Gerard Margiotta
15 Entrance Way
Block 60505, Lot 26
A motion to adopt the resolution of approval was made by Mbr. Rodimer, seconded by Mbr. Passucci and unanimously approved by all members able to vote.

ROLL CALL:
Ayes – Rodimer, Passucci, Korn, Richter, Dankos, Murphy, Spiess

PUBLIC HEARINGS
BA 15-01 PMG New Jersey II, LLC
30 West Main Street
Block 50412, Lot 1
Jason Tuval, Esq. of Gibbons, P.C. (One Gateway Center, Newark) was present and represented the applicant, PMG New Jersey II, LLC. Applicant is seeking to construct a freestanding sign requiring ‘C’ bulk variance relief for type.

Joseph Layton, PP of Maser Consulting (53 Frontage Road, Clinton) was present, sworn under oath and accepted by the board as an expert witness. Mr. Layton provided an overview of the 30 West Main Street property using Exhibit A-1, Sheet 2 of 3 dated December 1, 2014 which is a colorized version of what was submitted to the board. The freestanding sign depicted by a circle in the lower left hand corner of the plan. Currently sign shows three prices backlit with incandescent bulbs. Proposed sign to be two prices backlit with LED lighting. Proposed sign will be brighter during the day and the power will be cut back 85% during the night. Location, size and height of the sign will remain unchanged. Hours of operation to remain the existing 6 am to 10 pm. The industry standard sign will have less light spillage, easier to change pricing, more energy efficient, better visibility increases viewer reaction time and better reaction distance to improve traffic safety. Stating it promotes public health and safety, increase in traffic, better
visibility for free flow of traffic, desirable visual environment by being more attractive and promotes utilization of renewal energy resources. No substantial detriment to the public good or impairment to the zoning ordinance. Stating that there is no negative criteria. Less light will be thrown off and it's in a commercial area. In closing, stating it is consistent with the Master Plan.

Chr. Spiess opened to the board professionals.

Jason Kasler, PP inquired about reappearing for the additional third panel. Applicant confirmed that they will not be reappearing to the board for an additional panel.

John Ruschke, PE had none.

Chr. Spiess opened to the board professionals.

Mbr. Korn inquired about the allowable signage numbers as it relates to the ordinance. Mr. Kasler responded that the applicant is allowed one freestanding sign and one seasonal sign and that the applicant is not currently in compliance with the ordinance. Larry Wiener, Esq. stated that the signage is an enforcement issue. Mbr. Korn had no further questions.

Mbr. Murphy inquired about the size being the same for the two panel versus three panel signs. Applicant confirmed.

There were no other members of the board with further questions.

Jason Tuval, Esq. summarized there is no negative criteria and that the benefits outweigh for the board to grant the C2 variance. Stating it is the industry standard. The board attorney stated that there are two other gas stations that have converted to LED signage as well.

A motion was made to approve this application by Mbr. Korn, seconded by Mbr. Dankos and unanimously approved by all members able to vote.

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

Fred Roughgarden, Esq. (350 Lafayette Avenue, Hawthorne) was present and represented the applicant, 30 Mountain Road, LLC. Applicant is seeking to construct a new dwelling requiring ‘C’ bulk variance relief for steep slopes. Mr. Roughgarden spoke to the steep slopes relief on an unimproved tax lot. The additional bulk variance relief in the legal notice is not requested.

Kent Rigg, PE, PP (24 Godwin Avenue, Midland Park) was present, sworn under oath and accepted as an expert witness. Mr. Rigg provided a summary of the subject property using a colorized version of Sheets 1 and 2 of 2, submitted to the board entered as Exhibit A-1 and Exhibit A-2. Mr. Rigg spoke to various layouts having been considered. Spoke to the seepage pits proposed being designed substantially oversized. Spoke to the neighborhood having many different styles of homes. The proposed home would be aesthetically pleasing and would meet the setback requirements for the zone. Mr. Rigg spoke to excess capacity to address any stormwater runoff. Stating the proposed driveway is a significant improvement over other design considerations. A specific inlet at the end of the driveway to address the driveway runoff. Stating there is no negative impact to the zone or building requirements.

Chr. Spiess opened to the board professionals.

John Ruschke, PE spoke to the testimony, double sized lot and steep slopes disturbance. Creative architecture as it relates to engineering design considerations. Mr. Rigg spoke to the garage having been originally proposed on the right side of the dwelling. Stating the driveway would have been so steep to be unworkable or that it would require over 10’ of fill. Grade on the proposed driveway is just under 2% from the street to the garage. Spoke to a rear retaining wall with fill and the front retaining wall being cut in. All to reduce the amount of fill and disturbance. No walls exceed 4’ in height. John Ruschke, PE spoke to the diagonal across the property is creating a 2% grade versus coming straight in or extending the street and coming straight in. Applicant will include a super silt fence proposed. Dry wells will be hooked up during the beginning of the construction to control stormwater. The township engineer spoke to the driveway and retaining wall to the west will be constructed after and suggesting it be more practical to earlier in the construction sequence for safe access.

Jason Kasler, PP spoke to the site being plagued with steep slopes. Stating if there is no allowed disturbance in the 30% steep slopes category, the lot would be undevelopable. Larry Wiener, Esq. interjected regarding inverse condemnation.

Mbr. Murphy inquired about other undeveloped lots on Mountain Road. Jason Kasler, PP responded. There was brief exchange regarding extension of the road by the applicant. As it relates to emergency vehicles, additional undeveloped lots on Mountain Road and future development and tree removal. John Ruschke, PE didn’t know of any requirement by ordinance. Mr. Rigg confirmed that there is proposed improvement to the road by the applicant. There was further discussion to the location of the driveway and the percentage of steep slopes disturbance.
Mbr. Fisher commented on being in agreement with Mbr. Murphy as it relates to the steep slopes issue and the driveway. Mr. Rigg spoke to a very large retaining wall being undesirable in a residential neighborhood. Mr. Ruschke spoke to something being constructed to minimize the steep slopes, general configuration, two versus three car garage. Running driveway parallel to the contours makes sense.

Mbr. Dankos concurred with fellow board members. The home doesn’t appear as a ranch style home, pictures appear to be a two-story home.

Mbr. Passucci echoed the concerns from the other board members. John Ruschke, PE suggested that the driveway pull directly in to the ‘L’ and working with a different type of architectural to make it work. Recommending the grading work in the front of the house instead of on the side.

Mbr. Rodimer inquired about the percentage of impervious footprint. Mr. Rigg responded 8,393 sq. ft. of impervious coverage totaling 35%. Mbr. Rodimer voiced concern for the runoff and inquired about the 4,000 sq. ft. seepage pit calculation. Mr. Riggs responded that those on the left are for the driveway and a reduction of runoff of 2 and 10 year storm events. The township engineer responded that there is no ordinance regulating stormwater for development on a property under 1 acre. Spoke to a 2 and 10 year storm. House footprint totals 4,557 sq. ft. including the covered porches in front and back. 2,000 sq. ft. is the driveway. Voicing the concern for the large home and the water runoff.

Mbr. Richter inquired about the stone wall on the rear of the property. Mr. Riggs stated that the wall would not be disturbed. The portion on each of the respective properties is owned by the property owners. Mr. Wiener, Esq. referenced the engineer’s suggestion for agreement for future maintenance of the wall. Frank Roughgarden, Esq. commented that the neighbors have been very receptive.

Mbr. Korn voiced concern for the size of the home, the 38% impervious coverage and steep slopes disturbance. Stating that a smaller home would be desirable as well as pavement in front of the proposed home. Referencing Mr. Ruschke’s recommendation for a side entrance garage on an ‘L’ shaped home.

Chr. Spiess shared his fellow board members concerns, with the exception of the extending the road. Stating extending the road would be further disturbance.

Mr. Kasier, PP addressed the ownership of the remaining lots on the road. Stating two are through lots and the other two are back-to-back. The back-to-back lots are under the same ownership. Larry Wiener, Esq. spoke to a planning variance and the oneness’ being on the property owners.

Mbr. Korn inquired if the township engineer was satisfied with the 2 and 10 year storms. Mr. Ruschke stated applicant can demonstrate a zero net exchange for 100 year storm event. Mr. Riggs stated they exceed the MCSCD standard and John Ruschke concurred.

Allison Alerine (36 Warren Trail) was present and stated she lives downhill and next door to the subject property. Ms. Alerine inquired about sewage in a super storm and river running down on her property and a guarantee she would not flood. Mr. Rigg explained that it would back up in the home unless a generator was used. Stating there is a river running down on her property currently. The response was that once the property was developed it should address the runoff on the property.

Chr. Spiess asked for other members of the public, seeing none, closed the questioning of Mr. Rigg.

Frank Mariconda (316 Palmer Road) was present and sworn under oath. Mr. Mariconda stated he was a partner in 30 Mountain Road, LLC. Spoke to the attic design and roof rafter system creating the pitch on the roof. Stating that the design of the home was selected to keep the rear view height by the neighbors in consideration. The slope of the driveway has been a concern while maintaining off street parking. Stating it is a very large lot and the design was the only viable option. As it relates to storm water management, Mr. Mariconda stated he hasn’t had any issues with the seepage pits designed on the homes he has built.

Chr. Spiess opened to the board professionals.

John Ruschke, PE spoke to the retaining walls. Mr. Mariconda agreed that stabilizing the ground would be the main concern early on. No trucks would be on the property until it is properly fenced.
Jason Kasler, PP commented that it’s a 5 bedroom and inquired about a room in the rear. Mr. Mariconda confirmed it was a five bedroom and stated there was a proposed two season enclosed porch with screening not windows.

Chr. Spiess opened to the board members.

Mbr. Korn inquired about the height. Frank responded the calculation was not available and the architect is not present. Stating the home would be nestled due to the gradual grade and would not be massive. Mbr. Korn inquired about a smaller home and Frank responded to the type of buyer and the proposed being in compliance with the size of the property. Stating he was not against something smaller. Mbr. Korn agreed that Mr. Mariconda was not overly aggressive with the size of the home proposed but would still like to see something smaller.

Mbr. Richter commented on the bathrooms, guest room, attic storage room and stated the home was very large.

Mbr. Rodimer voiced concern about the size of the home as it relates to the lot size not so bad but with the steep slopes. Suggested raised bed with evergreens in the rear for water and buffer.

Mr. Mariconda was open to suggestions.

Chr. Spiess echoed Mbr. Rodimer’s comments.

Mbr. Passucci voiced to the comments with John Ruschke and Mbr. Korn. Spoke to it not meshing.

Mbr. Dankos agreed that the home design is beautiful but oversized for the lot.

Mbr. Fisher had no further questions.

Mbr. Murphy stated the home was gorgeous and a little away from the character of the neighborhood. Further stating on the mass and the roof slopes.

Frank Roughgarden, Esq. stated that they would request the March 18th meeting and hope that the drawings will be done in time. Larry Wiener, Esq. told the public that the website will reflect the meeting updates. Announcing to members of the public that the hearing for this application would be carried to March 18, 2015 without further notice.

OLD BUSINESS

None.

NEW BUSINESS

Secretary Probasco referenced that the Council will be advertising for the open Alternate position for the zoning board. Also requested board comments for the 2014 annual report.

ADJOURNMENT

Motion to Adjourn at 9:29 PM.

Denean Probasco, Board Secretary Date Approved: April 1, 2015