The Board of Adjustment of the Township of Denville held its scheduled reorganization meeting on Wednesday, April 1, 2015. The meeting was held in the Municipal Building, 1 St. Mary's Place and commenced at 7:00 P.M. Chr. Spiess presided.

Secretary Probasco read NOTICE OF PUBLIC MEETING.

ROLL CALL:
Present: Roger Spiess, Sally Dankos, Frank Passucci, James Rodimer, Susan Richter, Arthur Korn, John Murphy, Tim Fisher, Brian Bergen
Absent: None
Prof. Present: Larry Weiner, Esq.,

MINUTES:
February 18, 2015
Motion to adopt the minutes as submitted was made by Mbr. Murphy, seconded by Mbr. Passucci and unanimously approved by all members able to vote.

March 18, 2015
Motion to adopt the minutes as submitted was made by Mbr. Murphy, seconded by Mbr. Fisher and unanimously approved by all members able to vote.

PURCHASING:
Motion to pay vouchers submitted by Larry I. Wiener, Esq., (dated March 10 and 18, 2015) subject to the availability of funds, was made by Mbr. Murphy, seconded by Mbr. Richter and unanimously approved by all Members present and able to vote.

RESOLUTIONS:
BA 15-03  Barbara Mills
5 Edgewater Drive
Block 60502, Lot 6
A motion to adopt the resolution of approval was made by Mbr. Murphy, seconded by Mbr. Richter and unanimously approved by all Members present and able to vote.

ROLL CALL: Ayes – Murphy, Richter, Korn, Fisher, Spiess

PUBLIC HEARINGS

BA 14-27  30 Mountain Road, LLC
30 Mountain Road
Block 40604, Lot 9
Chr. Spiess announced to members of the public that the public hearing for this application has been carried without further notice to the May 6, 2015 meeting.

BA 15-05  Mark Berry
29 Mt. Pleasant Tpke.
Block 20702, Lot 3
The applicant, Mark Berry (28 Mt. Pleasant Turnpike) was present and sworn under oath. Applicant is seeking ‘C’ bulk variance relief for a 6’ solid fence in the front yard. Property has frontage on Mt. Pleasant Turnpike and Smith Road. Mr. Berry stated that fence was in a state of disrepair. The original fence was replaced with a fence of the same height and type but different color than the prior fence. There would be no hardship as a car dealership is located across the street. The fence has no negative impact on the neighborhood.
Mbr. Rodimer voiced his dislike for these types of fences as they make neighborhoods look like ‘compounds’. Applicant agreed to planting of arborvitae as screening.

Mbr. Fisher inquired if the prior fence was see through. Mr. Berry confirmed that the fence was solid as the existing.

Mbr. Korn commented that the fence was elevated on a berm and stated the fence served it’s purpose.

Mbr. Passucci inquired if the applicant installed the original fence and commented on the need for safety with the in-ground pool. Mr. Berry had purchased the home with the in-ground pool and fence. Applicant agreed with plantings.

Mbr. Dankos had no questions.

Mbr. Richter commented on it being tasteful and an improvement. Stating she had no problems.

Mbr. Murphy inquired if there was a prior variance approval. Commenting on the uniqueness of having two front yards. Applicant agreed again to plantings as a condition of approval. Mbr. Murphy referenced the comments and concerns of having the fence swing out and the size of the garage. The applicant stated the garage contained only electric.

Mbr. Bergen commented that the fence made sense.

Chr. Spiess had no questions.

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

A motion was made to approve this application, with conditions of vegetation and gates, by Mbr. Murphy, seconded by Mbr. Passucci and unanimously approved by all members able to vote.

Roll Call:

Ayes – Murphy, Passucci, Dankos, Richter, Korn, Rodimer, Spiess

BA 15-02 Thomas Carlyon & William Henning
28 Summit Drive
Block 6058, Lot 56

For the record, Mbr. Fisher recused himself from this public hearing.

The applicant, Thomas J. Carlyon (17 Woodland Road) was present and sworn under oath. Applicant testified to being the co-owner of the property at 28 Summit Drive along with Mr. Carlyon’s former partner, the Estate of William Henning.

Applicant is seeking to construct a front porch and rear deck of 12’ x 14’ requiring ‘C’ bulk variance relief for setbacks. The proposed 20.5’ front and 15.2’ side yard setbacks for porch do not meet the required 35’ and 17’ respectively. The proposed 43.8’ rear yard setback for deck without the stairs does not meet the 50’ requirement. The proposed setback with the stairs would be approximately 40’. Mr. Carlyon spoke to the proposed improvements being consistent with other homes in the neighborhood. Stating the setback is closer to 50’ from the asphalt.

Chr. Spiess opened to the board members.

Mbr. Dankos had no questions or problems with the proposed application.

Mbr. Richter inquired about the lighting and the door. Mr. Carlyon responded only a flood light and a Bilco door to the crawl space.

Mbr. Murphy inquired about the setbacks. The applicant stated it is not the gazebo side that requires a variance. Mr. Murphy inquired if the applicant would be interested in screening the gazebo with arborvitae. Mr. Carlyon agreed. Stating after speaking with the neighbor, the applicant indicated he would not be opposed to moving the gazebo closer to the home.

Mbr. Bergen inquired about the driveway width and trees. Mr. Carlyon stated the driveway is 15’ and the average driveway is 12’. The trees have already been removed.

Mbr. Passucci inquired about the proximity of the gazebo to the neighbor. Mr. Carlyon stated that while the gazebo meets the setback requirements, he would be willing to move it closer to the home by 2’ and screening. To be neighborly it would increase the 17’ side yard setback to 19’. The setback would be in excess of what is required.

Mbr. Korn inquired about the township ordinance regarding the increase ROW’s, commented on the undersized lot and spoke to the garage being in poor shape. Thomas Carlyon stated the garage has been resided, reroofed and will have a new garage door. Mbr. Korn commented on the garage being an existing structure and stated the application was very nice.

Mbr. Rodimer had no questions and voiced being pleased with the applicant’s offer to come in 2’.

Chr. Spiess stated any questions or concerns he had were addressed.

Chr. Spiess opened to the hearing to members of the public.

Denise Provost (26 Summit Drive) was present and spoke to being a Denville resident for 53 years and at this current residence for 14 years. Spoke to the proposed development changing the complexion of the neighborhood. Ms. Provost referenced the applicant builds the homes but won’t be living there. Larry Wiener, Esq. stated that this is not relevant as the hardships run with the land. Ms. Provost further stated that the proposed would devalue her home. The board attorney inquired if Ms. Provost would be providing expert testimony. In closing, Ms. Provost stated the proposed would have a negative impact on the quality of her life. Ms. Provost wanted to select a sampling of the many photographs she had for the board.

A brief break was taken at 7:40 pm and the meeting resumed at 7:50 pm.
William Provost stated he was satisfied with Thomas Carlyon working with them. Stating the applicant agreed to planning arborvitae along the Provost driveway. Mrs. Provost stated there would be no need to circulate the photos to the board at this time.

Chr. Spiess asked for other members of the public and seeing none, closed the public portion.

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

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

OLD AND NEW BUSINESS

Mbr. Murphy inquired about the annual report distribution to the Council members. Secretary Probasco confirmed that the report was received by the Council.

ADJOURNMENT

Motion to Adjourn at 7:55 PM.

Denean Probasco, Board Secretary Date Approved: May 6, 2015