The Board of Adjustment of the Township of Denville held its scheduled reorganization meeting on Wednesday, February 17, 2016. The meeting was held in the Municipal Building, 1 St. Mary's Place and commenced at 7:00 PM. Chr. Dankos presided.

Secretary Probasco read NOTICE OF PUBLIC MEETING.

ROLL CALL:
Present: Sally Dankos, Tim Fisher, Susan Richter, James Rodimer, Roger Spiess
Absent: Brian Bergen, Jim Rodimer, Dan Roman
Prof. Present: Larry Weiner, Esq., Tiena Cofoni, Esq., Jason Kasler, AICP, PP

MINUTES:
December 2, 2015
Motion to adopt the minutes as submitted was made by Mbr. Richter, seconded by Mbr. Rodimer and unanimously approved by all members able to vote.

PURCHASING:
Motion to pay vouchers submitted by Kasler Associates, PA (dated February 5, 2016) subject to the availability of funds, was made by Mbr Richter, seconded by Mbr. Fisher and unanimously approved by all Members present and able to vote.

Motion to pay vouchers submitted by Hatch Mott MacDonald, (dated January 26, 2016) subject to the availability of funds, was made by Mbr. Richter, seconded by Mbr. Fisher and unanimously approved by all Members present and able to vote.

RESOLUTIONS
None.

PUBLIC HEARINGS

BA 15-31 John & Jamie McMahon
41 Shawnee Trail
Block 40702, Lot 816

The public hearing for this application was carried without notice from the February 3, 2016 meeting. The board attorney for this public hearing was Tiena Cofoni, Esq.

The applicant, Jamie McMahon (41 Shawnee Trail) was present, sworn under oath along with the McMahon’s contractor, Bill Roberts (7 Reservoir Avenue, Boonton)

Ms. McMahon testified to the proposed construction of a covered rear porch in place of existing porch requiring variance relief for front yard setback. Stating there is deterioration and the applicant has senior dogs. Proposed front yard setback of 15’ does not meet the 30’ requirement.

Chr. Dankos opened to the board professionals.

Jason Kasler, PP commented on two front yards, deterioration and no additional impervious coverage.

Chr. Dankos opened to the board members.

Mbr. Fisher commented on being in favor of the application and asked about electrical. Applicant may install a ceiling fan, existing flood light.

Mbr. Napolitano commented on the proposed being safe and in character of the neighborhood.

Mbr. Spiess commented on the hardship of having two front yards and having no sunlight on the porch. Voiced being in favor.

Mbr. Richter had no questions and stated the application was great.
Mbr. Roman had none.
Mbr. Rodimer thought it was great.
Mbr. Caravaglia had none.
Mbr. Bergen had none.
Chr. Dankos had none.

Chr. Dankos opened to the 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. Fisher and unanimously approved by all members able to vote.

ROLL CALL: Ayes – Spiess, Fisher, Bergen, Napolitano, Richter, Rodimer, Dankos

BA 15-30 Edward & Margaret Galuska
9 Hilltop Trail
Block 40811, Lot 502

The public hearing for this application was carried for perfection of legal notice from the February 3, 2016 meeting.

The applicants, Margaret and Edward Galuska (9 Hilltop Trail) were present and sworn under oath. Margaret Galuska testified to the proposed construction of a cover to the existing porch of their home. Spoke to the need for safety on the landing and protection from the elements. Referenced the photograph of a 24” snow drift amended to their application. The proposed front yard setback of 16’ does not meet the 25’ requirement.

Chr. Dankos opened to the board professionals.

Mbr. Caravaglia commented on visiting the home and referenced other homes in the neighborhood having a similar covered portico.
Mbr. Rodimer had no questions and commented that it looked great.
Mbr. Roman sought clarification on the appearance as drawn. Jason Kasler, PP stated that the it should have a notation to indicate portico over steps to match up.
Mbr. Bergen thought it looked great.
Mbr. Fisher had no questions.
Mbr. Napolitano inquired about the shingles and if it would be the entire section. Mr. Galuska responded the roof shingles are in the garage and will be similar to the existing roof.
Mbr. Spiess commented it should be a condition of approval it remain open and not be enclosed.
Mbr. Richter and Chr. Dankos had no questions.

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

For the record, Jason Kasler confirmed to the board secretary that a new survey was not required. The applicant only needed to mark up the existing survey.

A motion to approve this application with conditions that it not be enclosed and the survey to have a notation, was made by Mbr. Fisher, seconded by Mbr. Bergen and unanimously approved by all members able to vote.

ROLL CALL: Ayes – Fisher, Bergen, Napolitano, Richter, Rodimer, Spiess, Dankos

BA 15-33 Eduardo D’Iapico
71 Sunset Trail
Block 41103, Lot 289

The public hearing for this application was carried for perfection of legal notice from the February 3, 2016 meeting.

Eduardo D’Iapico (71 Sunset Trail) was present, sworn under oath and testified to enclosing the backyard basement door requiring variance relief for rear yard setback of 30’ where 35’ is required. This would prevent water from coming in the basement.

Chr. Dankos opened to the board professional.

Jason Kasler, PP referenced the undersized lot, referenced the applicant wanted to cover the Bilco doors. Stating that the applicant should be requesting a 23’ setback and not the 30’ indicated.

Mbr. Fisher had none.
Mbr. Napolitano inquired about it being already constructed.
Mbr. Spiess commented that it would remain as it is built now. Eduardo D’Iapico stated yes, unless it required modification.
Mbr. Richter had no problems with the proposed.
Mbr. Roman had no questions.
Mbr. Rodimer had none.
Mbr. Caravaglia commented on not having a survey. Stated he looked at property and doesn’t have a problem with it.
Mbr. Bergen inquired if applicant self-built. Eduardo D’Iapico confirmed he started it when the water was coming in. Larry Weiner, Esq. confirmed that the standard language would state the applicant must comply with the building codes.
Chr. Dankos inquired if the applicant wasn’t aware of the permit required. Mr. D’Iapico stated he didn’t realize a permit was required for this type of work and understood a permit would be required.

Chr. Dankos opened to the public and seeing none, closed the public portion of the hearing.

Mbr. Spiess stated for the record that the application be amended for the 23’ setback and that a condition be included for the applicant to apply for a building permit within thirty days.

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

ROLL CALL: Ayes – Spiess, Bergen, Fisher, Napolitano, Richter, Rodimer, Dankos

BA 15-32 Igor & Anna Pikus
22 Canterbury Road
Block 10203, Lot 9

Igor Pikus (22 Canterbury Road) was present, sworn under oath and testified to proposed construction of a 12’ x 8’ shed, having a small backyard and frontage on two roads due to corner lot. Applicant is seeking to construct a shed requiring variance relief for accessory structure in front yard. Further stating, that a treed area will provide screening and the proposed is consistent with neighborhood. Location will allow for easy access to the garage. Stating the backyard was considered but due to the small size and the 10’ setback requirement it was not ideal.

Chr. Dankos opened to the board professionals.

Jason Kasler, PP commented applicant is seeking a variance for the shed in the front yard, due to having two front yards.

Chr. Dankos opened to the board members.

Mbr. Fisher agreed that the proposed location was best suited and would be shielded when the leaves come in. No electricity is proposed.
Mbr. Napolitano commented on the trees and had no other questions.
Mbrs. Spiess and Richter had none.
Mbr. Roman inquired about the appearance when the trees do not have leaves. Applicant stated the shed would be the same colors and appearance as the home.
Mbr. Rodimer commented on the concrete pad and had no problems with the application.
Mbr. Caravaglia commented on another location being considered. The applicant stated the other area was sloped, wet and not the safest location due to possible shifting.
Mbr. Bergen commented on the proposed location being ideal.
Mbr. Spiess asked about the setbacks for the record. Larry Weiner, Esq. responded 34’ to the front and 15’ to the easement.
Chr. Dankos had none and had no objections.

Chr. Dankos opened to members of the public and seeing none, closed the public portion of the hearing.

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

ROLL CALL: Ayes – Rodimer, Fisher, Bergen, Napolitano, Richter, Spiess, Dankos

BA 16-01 Michael & Helen Mastanduno
47 Clearmont Avenue
Block 31107, Lot 6

The applicants, Helen and Michael Mastanduno (47 Clearmont Avenue) were present and sworn under oath. Michael Mastanduno testified to proposed 10’ x 10’ shed. Applicant is seeking to construct a shed requiring variance relief for 2’ rear yard setback and 2’ side yard setback where 10’ and 5’ setbacks are required respectively. Shed at the rear of the house will be taken down. The siding will match the house and the yard will be fenced. No basement storage, garage is a mess, future pool is anticipated. Overall maximize space.

Chr. Dankos opened to the board professionals.

Jason Kasler, PP commented he didn’t have a problem with the application.

Chr. Dankos opened to the board members.
Mbr. Roman had none.
Mbr. Rodimer inquired about a 2’ setback. Applicant stated the house will be sided in vinyl, no painting and new roof.
Mbr. Caravaglia had no questions.
Mbr. Bergen inquired about electricity, plumbing and potential for a pool house. The applicant stated that electrical possible in the future.
Mbr. Fisher had none.
Mbr. Napolitano stated the other homes in the neighborhood have sheds.
Mbr. Spiess inquired about a slab and had no concerns.
Mbr. Richter had none.
Chr. Dankos had no questions and commented it was a good plan.

Chr. Dankos opened to members of the public and seeing none, closed the public portion of the hearing.

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

ROLL CALL:  Ayes – Spiess, Richter, Bergen, Fisher, Napolitano, Rodimer, Dankos

Christopher Rupp (173 Morris Avenue) was present, sworn under oath and testified to constructing a 12’ x 14’ shed requiring variance relief for 4’-5’ setback and quantity of accessory structures. Described the flag lot and indicated the shed is off the right of the deck. Stated the second shed all the way in the rear of the yard is over twenty years old and will be taken down.

Chr. Dankos opened to the board professional.

Jason Kasler, PP commented on the shed in front of the house and inquired about the setbacks.

Chr. Dankos opened to the board members.

Mbr. Roman had no questions.
Mbr. Rodimer saw the hardship and had no questions.
Mbr. Caravaglia commented on the setbacks and referenced the fence on the west side of the property and inquired about the distance. Mr. Rupp stated 4’ and 5’ on the other side leaving adequate space.
Mbr. Bergen had none and was in favor of the proposed.
Mbr. Fisher voiced being in favor of the application
Mbr. Napolitano had none.
Mbr. Spiess had none.
Mbr. Richter and Dankos had none.

Chr. Dankos opened to members of the public and seeing none, closed the public portion of the hearing.

A motion to approve this application with conditions of shed removal within 90 days and permit filed within 30 days, was made by Mbr. Spiess, seconded by Mbr. Richter and unanimously approved by all members able to vote.

ROLL CALL:  Ayes – Spiess, Richter, Bergen, Fisher, Napolitano, Rodimer, Dankos

OLD BUSINESS
None.

NEW BUSINESS
Mbr. Spiess commented on his resignation from the board.

ADJOURNMENT

Motion to Adjourn at 8:02 PM.