The Board of Adjustment of the Township of Denville held its scheduled meeting on Wednesday, June 15, 2016. The meeting was held in the Municipal Building, 1 St. Mary's Place and commenced at 7:00 PM. Chr. Dankos presided.

Secretary Ciambrone read NOTICE OF PUBLIC MEETING.

ROLL CALL:
- Present: Adam Caravaglia, Sally Dankos, Tim Fisher, Dan Napolitano, Susan Richter, Dan Roman.
- Absent: Brian Bergen, James Rodimer, Ed Moroney.
- Prof. Present: Larry Weiner, Esq., John Ruschke, PE, Jason Kasler, AICP, PP

MINUTES
A Motion to adopt the March 30th minutes was made by Mbr Napolitano, seconded by Mbr Roman and unanimously approved by all members able to vote.

A Motion to adopt the April 20th minutes was made by Mbr Fisher, seconded by Mbr Napolitano, and unanimously approved by all members able to vote.

A Motion to adopt the May 4th minutes was made by Mbr Napolitano, seconded by Mbr Fisher, and unanimously approved by all members able to vote.

A Motion to adopt the May 18th minutes was made by Mbr Fisher, seconded by Mbr Richter, and unanimously approved by all members able to vote.

PURCHASING
None

RESOLUTIONS
- BA/SS 16-10: Brett & Devon Rizzo
  33 Orchard Street
  Block 50410, Lot 21
  A Motion to adopt this resolution of approval was made by Mbr Fisher, seconded by Mbr Roman, and unanimously approved by all members able to vote.

  ROLL CALL: Napolitano, Fisher, Richter, Roman, Caravaglia, Dankos

- BA15-03 John Happy
  60 Hillcrest Drive
  Applicant is seeking variance relief for an addition. The applicant has failed to prosecute the applicant in a timely manner. This is application will be denied without prejudice.
  A motion to deny this application was made by Mbr Napolitano, seconded by Mbr. Richter, and unanimously approved by all members able to vote.

  ROLL CALL: Napolitano, Richter, Roman, Caravaglia, Dankos

PUBLIC HEARINGS
- BA 16-14: Chris Tarantino & Liana Iglesias
  172 Morris Avenue
  Block 50410, Lot 21
  The applicants, Chris Tarantino and Liana Iglesias were present, sworn under oath and testified.
  Seeking to construct a 6 ft. vinyl fence around the vicinity of the house to include an already existing shed and trees. The house is located on a corner lot which gives them requirements for a rear and side yard variance. The applicants have chosen option 1 to have the 6ft fence come from the back plane of the house.

  Open to the professionals
  John Ruschke PE - Inquired about have far off the fence would be from the right away line.
  Larry Wiener, Esq - Clarified that the fence would be 10ft off the right away line. The applicant made it clear he want the tree on his property to be within the fenced in area.
Jason Kasler, PP- Commented that the one side of the fence would be placed right on the property line. Inquired about how far off the north side would the fence be from the property line. Chris Tarantino stated he wanted the north side of the fence off the property to be able to fit the trees in the fenced in area.

Open to the board members
Mbr Napolitano- Clarifies with the applicants that they are choosing option 1. The applicants confirm.

Mbr Napolitano- Inquired to the applicants how many ft. from the tree line are they planning on putting the fence. Chris Tarantino states the fence will be 4ft off the shed and 13ft off the property line.

Mbr Napolitano- Inquired about the advantages the applicants would receive from putting the fence in this exact location. Applicants states the main reason is to have the shed located in the area for security purposes.

Mbr. Fisher- Questions Jason Kasler, PP if the fence is off the property line if he foresee any problems with maintenance.

Jason Kasler, PP- Stated as long as the applicant agrees to maintain the fence he does not have any problems with this.

Mbr. Richter- No questions

Mbr Caravaglia- Inquired about the different heights proposed for the fence. The applicants clarify that they would prefer to have a 6ft fence all around, however it was brought to their attention that they are required to have the different heights along their property. The 4ft fence would be on the Avondale Rd. and Morris Ave side of the property.

Mbr. Roman- No questions

Chair Dankos- Expresses concerns from a safety standpoint that a solid 6ft fence would be unsafe for police and fire departments to see into their property.

Open to public
No comments

Larry Wiener, ESQ- Makes it clear that has been proposed is a 6ft solid fence on the west and north side of the property. On the Morris Ave and Avondale Rd. side of the property a 4ft solid fence is proposed.

It was proposed to have a 6ft fence on Morris Ave. and Avondale Rd. with lattice on top, but neither the applicant or board approved this motion and the original option 1 was approved.

A motion to approve this application with the required height restrictions was made by Mbr Fisher, seconded by Mbr. Napolitano and unanimously approved by all members able to vote.

Roll Call: Fisher, Napolitano, Richter, Roman, Caravaglia, Dankos

BA 16-15: Kevin Babilonia & Denise Oliveto
7 Highland Trail
Block 40801, Lot 360

The applicants, Kevin Babilonia and Denise Oliveto was present and sworn under oath t. The applicants are seeking to construct a 6 ft. solid fence in the rear and side yard requiring variance for two front yards. The applicants have proposed to have a solid 6ft fence closest to Highland Trail. The fence would be located 15 ft. from the street.

John Ruschke, PE- Comments to have the 6ft fence on the retaining wall side to be lowered to 4ft. He states that have a 6ft fence on a 2ft retaining wall would be too high for the neighboring property. Inquiries about lowering the fence to 4ft. Kevin Babilonia states that they are already located at the bottom the hill that lowering the fence any more than 6ft would serve no purpose for privacy.

Jason Kasler, PP- No questions

Open to the Board Members

Mbr. Napolitano- Inquires to the applicant want advantage do they have over a 4ft rather than 8ft. The applicants state they want a higher fence for privacy and more room for their child to play.

Mbr. Fisher- No questions

Mbr Richter- No questions

Mbr Roman- No questions

Mbr Caravaglia- Inquires to the applicants about changing the look of their fence to accommodate the height. Applicants do not think the height is an issue with their property due to the fact of living on a slope.

Mbr. Dankos- No questions
Open to the public

Lisa Bachelor (9 Highland Trail)- Sworn in to testify. Expresses concern that the view from her 1st floor will be affected from the retaining wall and fence.

A motion to approve this application was made by Mbr, Fisher, and seconded by Mbr Richter. Approved by the following members:

Roll Call: Fisher, Richter, Napolitano, Roman, Dankos

Mbr. Caravaglia denied this application.

BA 16-07: Brian & Kathy Blaber
126 Cedar Lake West
Block 60401, Lot 149

Applicant is seeking to construct a new dwelling after removal of three single family homes, requiring variances for side yard setbacks, lot width and lot area in R-2 zone.

The applicants Brian and Kathy Bladder was present and sworn under oath. The applicants are seeking to construct a new dwelling after a removal of three single family homes, requiring a variance for side yard setback, lot width and lot area. They currently live at 126 Cedar Lake West where there are steep slopes and have always dreamt about living on 101 Cedar Lake East where it is relatively flat. They would like to build a home where they can stay when they get elderly.

Open to the professionals

Mr. Ruschke, PE- No questions
Mr. Kasler, PP- No questions

Mark Gimigliano (21 Bowling Green Parkway Suite 204)- Sworn in to testify and presented as professional engineer. Showed exhibit A-1 existing and proposed properties. The required sq. ft. for a lot in the R-2 zone is 15,000sf. The proposed property has 11,250sf. The lot width requirement is 100 ft. the proposed property lot width is 75 ft. The property has 3 dwellings on sight. The house is also located on the Cedar Lake property which means it is regulated by the New Jersey Department of Environmental Protection. There is also a flood plain on this property noted in the plans and it is located in the front section of the house. The applicant is proposing to remove the existing dwellings and to cut down 14 trees. After this occurs the new dwelling will be constructed. Since the proposed property is on such a narrow lot the dwelling for side yard setback will be over the required variances. The required side yard setback its 17ft and the proposed setback for the right yard is 9.9ft and the left yard is 9.8ft. There is also a proposed attached garage located in the front yard of the dwelling with a small drive way. On the front part of the property facing the lake there will be a paved patio elevated with 2ft retaining walls. This project isn’t a major storm water development. There will be no negative impacts to the lake in this development.

In reference to John Ruschke comments from May 13th the applicants will comply and get permits from the NJDEP. Also agreed to not reuse the existing water and sewer utilities. Mark states the storm water runoff will not change from the existing property to the proposed property.

John Ruschke PE- States he has no concerns with the storm water runoff based on the updated plans. He is concerned about the soil erosion and proposes a super silk fence in the lower part of the property for extra protection. Mark Gimigliano- has agreed to add the super silk fence.

Jason Kasler, PP- No comments

Open to the board

Mbr Napolitano- No questions
Mbr Fisher- No question
Mbr Richter- No questions.
Mbr Caravaglia- Inquired about the square footage of the existing and proposed dwelling. Mark Gimigliano states that the existing dwelling is 1,243 SF and the new proposed dwelling is 3,400 SF.

Mbr. Roman- Inquired about the water drainage that will occur from the left and right side of the house. Mark Gimigliano clarifies the right side of the house will drain into pipes that are located to the back of the house. The left side of the house will discharge into the sweli pad.

Mbr Dankos- No questions

Lawrence Korinda (550 West Main Street)- Sworn in to testify and presented as a professional architect. The garage is located toward the front of the house located closest to the street. The distance from the garage to the porch is approximately 33ft. The mud room is attached to the
garage, but is narrower and has a smaller roof line than the garage. When you first walk into the house there would be a dining room, powder room and office. When looking straight in the front foyer you will see the kitchen and great room to create an open floor plan. Behind the kitchen is where the master suite will be located along with the laundry facility. There shall be 3 bedrooms located on the second floor along with a playroom that is located over the garage. The proposed house is 26.8 ft. high which is lower than the required height.

John Ruschke, PE: Inquired about what efforts will be taken to increase the side yard variances. States a larger house was suggested, but wanted something within 10 ft. to make sure a vehicle could fit through. John Ruschke also inquired about the distant the applicants have from building to the neighboring house. Lawrence Korinda comments that the applicants can build 5 ft. from the neighboring house.

Jason Kasler, PP: No questions

Open to the Board
Mbr Napolitano: No questions
Mbr Fisher: No questions
Mbr Richter: No questions
Mbr Caravaglia: Inquires about moving the bedrooms to the front of the house to reduce the total width of the house to eliminate the variances. Lawrence Korinda states that reducing the room anymore would not be significant in what the applicants are trying to achieve.
Mbr Roman: No questions
Mbr Dankos: No questions

Open to the public
No questions

John McDonough: Sworn in the testify and presented as a professional planner. This application has 4 bulk variance, 2 for the existing property and 2 for the left and right setbacks. The rest is non-conforming with no relief to the first floor area. Shows exhibits photos A2-A4 of the existing properties. The first photo is from 2012 to show the existing 3 properties and their vacancy. This particular photo also shows the surrounding properties and have a setback of 7 ft. The proposed dwelling and the surrounding properties have the same building width and depth. Exhibit A-3 shows the 3 existing properties and how all the homes a line with one another.

John Ruschke, PE: Inquired about the house next door and if it has the same lot width at the proposed house. John McDonough Confirm that the proposed house does have a larger lot width.

Jason Kasler, PP: Questions if the applicant considered reducing the lot width down 4ft to make it 12.9 ft. and be within the zoning ordinance. John McDonough states that reducing the footage would be a mathematical rational for it, but from a planning aspect the applicant has done a good job mitigating and the proposed footage will not have a perception of overcrowding.

Mbr Roman: No questions
Mbr Napolitano: No questions
Mbr Fisher: No questions
Mbr Richter: No questions
Mbr Caravaglia: No questions
Mbr Dankos: No questions

Open to the public

Elizabeth McNichol (99 Cedar Lake East): Sworn in to testify. Lives next door to the applicant and approves this application.

Robert Dyer (102 Cedar Lake East): Sworn in to testify. Lives directly across the street and approves the application.

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

Roll Call: Richter, Fisher, Napolitano, Roman, Caravaglia, Dankos

OLD BUSINESS
None.

NEW BUSINESS
None.

ADJOURNMENT

Motion to Adjourn at 9:05 PM.