The Board of Adjustment of the Township of Denville held a scheduled regular meeting on Wednesday, September 21, 2016. The meeting was held in the Municipal building, 1 St Mary’s Place and commenced at 7:00pm Chr. Dankos presided.

Secretary Unrath read NOTICE OF PUBLIC MEETING

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

Meeting Minutes

A motion to adopt the September 7th minutes was made by Mbr Rodimer, seconded by Mbr Bergen and unanimously approved by all member able to vote.

PURCHASING
A motion to pay vouchers for Kasler Associates was made by Mbr Rodimer, seconded by Mbr Moroney and unanimously approved by all member able to vote.

A motion to pay vouchers for Mott MacDonald was made by Mbr Rodimer, seconded by Mbr Moroney and unanimously approved by all member able to vote.

CORRESPONDENCE
None

Resolutions

BA16-19 James Melcher
6 Overlook Drive
Block 60902, Lot 13
Motion to adopt the resolution granting approval to install stairs to an existing deck in a R-2 zone was made by Mbr. Napolitano, seconded by Mbr. Rodimer and unanimously approved by all members able to vote.

Roll Call—Napolitano, Rodimer, Bergen, Caravaglia, Moroney, Fahrer, Dankos

Public Hearings

BA16-24(A) Michael Debrossy
70 Landing Trail
Block 40603, Lot 205
Applicants Michel Debrossy & Julie Scarano (70 Land Trail) were sworn in under oath and testified. The applicants are seeking to add a deck to the rear of their home in a R-2 Zone and proposing a 10ft side yard setback. The required side yard setback is 15ft. There is currently an existing staircase that will be removed because it is not up to code.

Open to the professionals
September 21

**Jason Kasler, PP**- Inquired about the stairs proposed and required an additional 2ft for the side yard setback requirements.

Open to the board members

**Mbr. Napolitano**- Inquired about any new lighting structures. Applicants states no new lighting is proposed.
**Mbr. Fahrer**- Clarified the location of the stairs come from the side of the deck.
**Mbr. Rodimer**- No questions
**Mbr. Caravaglia**- Inquired about the front yard setback. Applicants admits this was a discrepancy on the application. There will be nothing done to the front of the house.
**Mbr. Moroney**- No questions
**Mbr. Bergen**- No questions
**Chr. Dankos**- No questions

No testimonies from the public

Motion to approve this application with an 8ft setback was made Mbr. Napolitano, seconded by Mbr. Rodimer and unanimously approved by all members able to vote.

**Roll Call**- Napolitano, Rodimer, Bergen, Caravaglia, Moroney, Fahrer, Dankos

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**BA 16-22**

Sharlene & Andrew Hoehler
47 Florence Ave
Block 60406, Lot 7

Applicants Sharlene and Andrew Hoehler (47 Florence Ave.) were sworn in under oath and testified. The applicants are seeking to enclose an existing concrete patio. The current patio has a side yard setback of 17ft, the proposed set back is 15ft. The applicants have two young children and would enjoy having a place to play where it will not be too hot.

Open to the professionals

**Jason Kasler, PP**- No questions

Open to the board

**Mbr. Napolitano**- Clarified the applicants are proposing a variance for 2ft.
**Mbr. Fahrer**- No questions
**Mbr. Rodimer**- No questions
**Mbr. Caravaglia**- Clarified that no gutters will expand from the 2ft requested.
**Mbr Moroney**- No questions
**Mbr. Bergen**- No questions
**Chr. Dankos**- No questions

No statements from the public

Motion to approve this application as submitted was made Mbr. Bergen, seconded by Mbr. Napolitano and unanimously approved by all members able to vote.

**Roll Call**- Bergen, Rodimer, Napolitano, Caravaglia, Moroney, Fahrer, Dankos

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**BA 16-22**

John Stibravy
147 Cedar Lake East
Block 60408, Lot 130

Applicant John Stibravy (147 Cedar Lake East) and builder Bob Foley (110 Cedar Lake East) is seeking to construct a 2 story addition to his existing home. The additional space is needed for his ill wife and a
bedroom for his son. The addition will be added to the back of the house and not close to the property line.

**Jason Kasler, PP**- Concerned about the additional parking spaces needed now that this 1bdr house could now be a 4bdr. The applicant states that parking has always been an issue around Cedar Lake, but since 1954 the residents have made it work by parking along the road.

Open to the Board
**Mbr. Napolitano**- No questions
**Mbr. Fahrer**- No questions
**Mbr. Rodimer**- No questions

**Bob Foley (110 Cedar Lake East)**- States that Johns neighbor will give him to permission to use his driveway/property to access the proposed construction. He just asks that the shrubbery be replaces after it is ruined.

**Mbr. Caravaglia**- No questions
**Mbr. Moroney**- Concerned about the additional cars and parking.
**Mbr. Bergen**- Clarified the variance that is needed because of the turn in which the lot is located and most houses in the Cedar Lake area have this problem. Also clarifies with the applicant that there will be significant amount of parking options for this property.
**Chr. Dankos**- Concerned with the addition parking.

**Larry Wiener, Esq**- Inquired about the comments John Ruschke mentioned about these plans in regards to the DEP. Bob Foley states that the DEP now requires an application for flood hazards and apply for a permit. Larry Weiner, Esq also clarifies with the builder that the only relief for this application is for the side yard setbacks.

Open to the public

**George Eggert (145 Cedar Lake East)**- Sworn in and testified. States he does not dispute this application and will allow the applicant to approach a few inches on lot 33 which he owns. Concerned with parking and the fire hydrant located in front of his property.

**James Pettrus (78 Florence Ave)**- Sworn in and testified. Concerned that his lake view will be affected by this by this addition. Also is concerned about the additional parking that will occur on the street.

**Nancy Meade (149 Cedar Lake East)**- Sworn in and testified. Concerned with the additional parking that is needed for this house.

**Mbr. Rodimer**- Inquired about height the addition is from the exiting house. Bob Foley states it is approximately an additional 5-6ft in height.

**Bob Foley (Builder)**- States that he has discussed potentially moving back the wall that is currently on his property and utilizing the garage with the applicant. This will increase the parking spots for this property.

**Mbr. Bergen**- Clarifies with Jason Kasler that the ordinance requires 2 useable off-street parking spots for a property.

Motion to approve this application as submitted was made Mbr. Bergen, seconded by Mbr. Rodimer and unanimously approved by all members able to vote.

**Roll Call**- Bergen, Rodimer, Napolitano, Caravaglia, Moroney, Fahrer, Dankos

**Executive session**
September 21

A motion for the board to go into the executive session was made by Mbr. Rodimer, seconded by Mbr. Bergen and unanimously approved by all members able to vote.

Larry Weiner, Esq discusses Marassco vs. Board of Adjustment.

Adjournment
Motion to adjourn at 8:17 PM.

Melissa Unrath, Board Secretary

Date Approved: October 5, 2016