The Board of Adjustment of the Township of Denville held a scheduled regular meeting on Wednesday, October 5, 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, Harold Fahrer, Sally Dankos
Absent: Tim Fisher, Dan Roman, Ed Moroney, James Rodimer
Prf. Present: Larry Weiner, Esq., Jason Kasler, AICP, PP, Robert O’Brien, PE

Meeting Minutes

A motion to adopt the September 21, 2016 minutes was made by Mbr Napolitano, seconded by Mbr Caravaglia and unanimously approved by all member able to vote.

PURCHASING

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

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

A motion to pay vouchers for Larry Wiener was made by Mbr Napolitano, seconded by Mbr Caravaglia and unanimously approved by all member able to vote.

CORRESPONDENCE

None

RESOLUTIONS

BA 16-11 Stephen DeTomasso (No vote- Napolitano)
27 Copland Road
Block 11404, Lot 11

A Motion to adopt this resolution of approval was made by Mbr. Caravaglia, seconded by Mbr. Bergen and unanimously approved by all members able to vote.

ROLL CALL: Bergen, Caravaglia, Fahrer, Dankos

BA/PSP/FSPV:16-16 Englewood Auto Group (No Vote-Fisher, Rodimer)
256 Route 46
Block 51001, Lot 22

A motion to adopt this resolution of denial was made by Mbr. Napolitano, seconded by Mbr. Caravaglia and unanimously approved by all members able to vote.

ROLL CALL: Bergen, Napolitano, Caravaglia, Dankos
A Motion to adopt this resolution of approval was made by Mbr. Napolitano, seconded by Mbr. Caravaglia and unanimously approved by all members able to vote.

ROLL CALL: Bergen, Napolitano, Caravaglia, Fahrer, Dankos

A Motion to adopt this resolution of approval was made by Mbr. Caravaglia, seconded by Mbr. Napolitano and unanimously approved by all members able to vote.

ROLL CALL: Bergen, Napolitano, Caravaglia, Fahrer, Dankos

A Motion to adopt this resolution of approval was made by Mbr. Caravaglia, seconded by Mbr. Napolitano and unanimously approved by all members able to vote.

ROLL CALL: Bergen, Napolitano, Caravaglia, Fahrer, Dankos

Kurt Albert (18 Spring Rd)- Was present and sworn under oath. Applicant is seeking to construct 372sf deck that is approximately 14X24 with a small stair and platform. The rear yard set back is 50ft the proposed plan is 40ft setback. Applicant states they are not approaching on the property line other than the rear yard setback. Mr. Albert would like to be granted this deck for additional space for his family.

Open to professionals

Robert O’Brian, PE- No questions
Jason Kasler, PP- Inquired about any new lighting structures. Applicant states no new lighting is required.

Open to Board Members
Mbr Napolitano- Inquired about the handrail and step. Mr. Albert states it is one step with handrail closest to the garage.
Mbr. Fahrer- Clarified with the applicant that there are no side yard requirements. The application was corrected.
Mbr, Caravaglia- No questions.
Mbr. Bergen- No questions.
Chr. Dankos- No questions.

Mbr. Napolitano makes a motion to approve this application with the change of side yard requirement from 17ft to 21ft.

A motion to approve this application was made by Mbr. Napolitano, seconded by Mbr. Caravaglia and approved by all members able to vote.
Roll Call- Napolitano, Caravaglia, Bergen, Fahrer, Dankos
This is public hearing will be carried to September 19th.

Chris Tarantino and Liana Iglesias (172 Morris Ave)- Were present and sworn under oath. The applicants are seeking to construct a solid 6ft fence. The applicants recently got variance approval for a 4ft solid fence on the Morris Ave & Avondale Rd side of the property, and a 6ft solid fence on the west and north side of property. The applicants are re-applying for a 6ft solid fence around the whole property, to include the shed within the fenced in area. The trees along the property would be outside the fenced in area. The fence is primarily for safety concerns, privacy and the protection of their dog. The applicants are on a corner lot giving them more of an issues on privacy with two front yards. A bus stop is also located right on the edge of their property. Exhibits A-1- A-3 to show tree coverage on Morris Ave, Avondale Rd and Cedar Lake Rd.

Open to the professionals

Robert O’Brien, PE- Inquired about how far the fence will be from the trees. Mr. Tarantino states the trees are on the property line and the fence will be approx. 9ft away.
Jason Kasler, PP- No questions.

Larry Wiener, Esq- Explains the board has to follow the Land Use Law to relief any variances.
Jason Kasler, PP- States that variances run with the land, not the unit owner. States there is nothing really unique about this property.

Open to the Board Members

Mbr. Napolitano- Inquired to the applicants why they accepted the offer to grant the 4ft fence. The applicants state they felt defeated.

Chris Tarantino (172 Morris Ave)- Refers to past applicants that have applied for 6ft fences and the percentages of them being granted.

Mbr. Fahrer- Inquired if the applicants would consider a 4ft fence with a lattice top.
Mbr. Caravaglia- Inquired to Mr. Kasler if there are any ordinances against the height of trees. Mr. Kasler states there is a tree height restriction if the property is located on an intersection.
Mbr. Bergen- States that he feels the applicants have a hardship because they are located on two front yards. Inquired to the applicants if they would consider changing the type of fence to make not 100% solid, perhaps a 5ft solid fence with a 1ft of lattice on top. The applicants would approve of this.
Chr. Bergen- States the ordinance is put into place for everyone’s safety.

Open to the public

Robert Christopher (173 Morris Ave)- Sworn under oath and testified. States he has a 6ft fence that was approved from the board. The fence does protect his family from wildlife and gives them some privacy on a busy street.

Frank Pascucci (14 Avondale Rd)- Sworn under oath and testified. States that the applicant does have a hardship because the applicant’s property is located on school bus stop. There are approximately 18-20 kids everyone morning on his property.

Mbr. Bergen- Inquired if the applicants would amend their request to change the type of fence to a 5ft fence with a 1ft of lattice on top.
Larry Wiener, Esq- Makes it clear to the applicants that their board is not here to negotiate. The applicants must state what they exactly want.

Chris Tarantino- State that they would amend their application request to agree with Mbr. Bergen. They have agreed to amend the application to a 5ft and 1ft lattice top

Mbr. Bergen- States the wildlife and streetscapes are not relevant for this application. The hardship for this application is the two front yards and the school bus stop location. Makes a motion to allow a 6ft fence with a 1ft lattice top. The 5ft fence part of the fence will be solid.

No board members’ second Mbr. Bergen’s motion.

Mbr. Napolitano makes a motion to deny this application, seconded by Mbr. Caravaglia and approved by certain members.

Roll Call- Napolitano, Caravaglia, Fahrer, Dankos

Disagree- Mbr. Bergen

Larry Wiener, Esq- States that the past application with the solid 4ft fence on the Morris Ave & Avondale Rd., and solid 6ft fence on the North and West side of the property is still valid.

Adjournment

Motion to adjourn at 8:34 PM.

Melissa Unrath, Board Secretary

Date Approved: October 19, 2016