The Board of Adjustment of the Township of Denville held a scheduled regular meeting on Wednesday, August 02, 2017. The meeting was held in the Municipal Building, 1 St Mary’s Place and commenced at 7:00pm Chr. Napolitano presided.

Ms. Unrath read NOTICE OF PUBLIC MEETING

ROLL CALL:

Present: Adam Caravaglia, Daniel Napolitano, Dan Roman, Tim Fisher, Harry Fahrer, Brian Bergen

Absent: Jim Rodimer, Ed Moroney

Prl. Present: Rob O’Brian, PE, Jason Kasler PP, Larry Wiener, ESQ

Nomination for Dan Roman to be Vice President was made by Mbr. Bergen, seconded by Mbr. Fisher and unanimously approved by all members.

There were no other nominations

Meeting Minutes

A motion to adopt the June 21, 2017 minutes was made by Mbr. Fisher, seconded by Mbr. Roman and unanimously approved by all members able to vote.

PURCHASING

Motion to pay vouchers submitted by Larry Wiener subject to the availability of funds, was made by Mbr. Fisher, seconded by Mbr. Roman and unanimously approved by members able to vote.

Motion to pay vouchers submitted by Jason Kasler subject to the availability of funds, was made by Mbr. Fisher, seconded by Mbr. Roman and approved by members able to vote.

Motion to pay vouchers submitted by Mott MacDonald subject to the availability of funds, was made by Mbr. Fisher, seconded by Mbr. Roman and unanimously approved by members able to vote.

RESOLUTIONS

BA 17-08  Fred Breem (No Vote: Bergen, Fahrer, Moroney)

30 Mountain Rd
Block 40604 Lot 9

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.

AYES- Fisher, Roman, Caravaglia, Napolitano

BA 17-12  Daniel Keller (No Vote: Bergen, Fahrer, Moroney)

30 Mountain Rd
Block 40604, Lot 9

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.

AYES- Fisher, Roman, Caravaglia, Napolitano

BA 17-13  North Jersey Aquatic Club, LLC (No Vote: Bergen, Fahrer, Moroney)

350 Morris Ave
Block 62101, Lot 2.01

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.

AYES- Fisher, Roman, Caravaglia, Napolitano
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

**AYES**- Fisher, Roman, Caravaglia, Napolitano

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**PUBLIC HEARINGS**

**BA 17-04**

**Ralph Lohr**

16 Second Ave
Block 50302, Lot 124

**Ralph Lohr (16 Second Ave)**- Applicant is looking to raise his living room floors above the flood waters and add a 2-car garage. The sunroom patio will also be converted into the kitchen area.

**Fred Meola**- Sworn in and testified. Stated the applicants are looking to make their kitchen and living room larger. Also, to add a 2-car garage on 3rd Ave. The property is located in a flood zone and need DEP approval. The proposed addition and configuration was approved by NJ DEP. The entire addition will have the required flood vents. The variance is for front yard setback on 3rd Ave. It is the only house on 3rd Ave and will not disrupt any neighbors. The required front yard setback is 25ft and the proposed setback is 20ft. Mr. Meola stated on behalf of his client that they he will comply with all Mr. Ruschke’s recommendations.

Open to professionals

**Rob O’Brian, PE**- Stated that all the recommendations from the reports would be conditions within the resolution.

**Jason Kasler, PP**- Stated that this is a unique property and there are 2 front yards. There will be no detrimental impact to the surrounding neighbors from this proposed addition.

Open to the Board Members

**Mbr Bergen**- Stated he is in favor of this application.

No public questions

**Douglas Asral (Asral architect, Whippany)**- Sworn in as a professional architect and testified. The additions are pretty minor and keeps the characteristics of the house. The house is being raised above the flood ways and incorporated the flood vents.

Open to board members

**Mbr. Caravaglia**- Questioned what the typical size would be for a 2-car garage. Mr. Arsal stated the typical size for a garage would be 19ft.

No public questions or testimony.

A motion to approve this application with conditions made by the Twp engineer and any NJDEP approvals was made by Mbr. Bergen, seconded by Mbr. Fisher and approved by members able to vote.

**AYES**- Bergen, Fisher, Caravaglia, Roman, Fahrer, Napolitano

**BA 17-16**

**Towne Hyundai**

3170 Route 10
Block 20801, Lot 42

**Ron Heyman (Heyman and Fletcher)**- Stated that Towne Hyundai had a previous approved resolution from a couple years back and are now seeking waivers from the previous conditions.
Susan Brauer (10 Longwood Rd)-President of Towne Hyundai on Route 10. The applicant is seeking 3 waivers from the previous conditions already approved by the board. The first waiver is for resurfacing the rear parking lot. Ms. Brauer stated that this area is strictly for storage and customers do not go in this area. The engineer put parking lines that are not needed in this area. The second waiver is landscaping adjacent to the property. This area is not visible from the road and has no impact to the property. It would be easier to not have landscaping on this particular part of the property. The third waiver is for the parking islands on the property. There was a condition to keep that area landscape, but with snow piles in the winter it’s hard to maintain. The applicant would like to leave this area with stone. All these proposed waivers need to be approved or denied to obtain their CO.

Open to professionals

Rob O’Brian, PE & Jason Kasler, PP- Stated that they take no exceptions for these waivers.

No board member, or public questions or testimonies

A motion to approve this application was made by Mbr. Fisher, seconded by Mbr. Caravaglia and approved by all members able to vote.
AYES- Fisher, Caravaglia, Bergen, Roman, Fahrer, Napolitano.

Pauline Dyletczuk (510 Openaki Rd)- The applicant is seeking to build a sunroom addition in the rear of the home. It is a cape cod style house and the room are quite small and would like more space. The applicant has a pool in the backyard and the right of the property is too close to their neighbors’ house. The only option to build the proposed addition on the left side of the property but it exceeds the FYS. The required FYS is 50ft and the proposed addition is 34.9ft.

Michael Bengis- Sworn in as a professional architect. Mr. Bengis explained the property is a modest cape cod with minimal living space. The addition is for a better quality of life, with no determinate to the town. Exhibit A-1 shows what the living space would look like with the addition.

Open to board professionals

Rob O’Brien, PE- No questions

Jason Kasler, PP- Stated the bulk of the house doesn’t fit in the envelope of the house. Mr. Kasler agreed that the proposed addition is a good location and the disturbance is very minimal.

Open to board members

Mbr. Napolitano- Questioned the siding and the location of the radon pipe. Ms. Dyletczuk stated the siding will match the rest of the house and the radon pipe will continue to the back of the house.

No public comments or questions

A motion to approve this application was made by Mbr. Fahrer, seconded by Mbr. Bergen and approved by all members able to vote.
AYES- Fahrer, Bergen, Fisher, Roman, Caravaglia, Napolitano.

James McIntosh (185 Cedar Lake East)- President of Towne Hyundai on Route 10. The applicant is seeking 3 waivers from the previous conditions already approved by the board. The first waiver is for resurfacing the rear parking lot. Ms. Brauer stated that this area is strictly for storage and customers do not go in this area. The engineer put parking lines that are not needed in this area. The second waiver is landscaping adjacent to the property. This area is not visible from the road and has no impact to the property. It would be easier to not have landscaping on this particular part of the property. The third waiver is for the parking islands on the property. There was a condition to keep that area landscape, but with snow piles in the winter it’s hard to maintain. The applicant would like to leave this area with stone. All these proposed waivers need to be approved or denied to obtain their CO.

Open to professionals

Rob O’Brian, PE & Jason Kasler, PP- Stated that they take no exceptions for these waivers.

No board member, or public questions or testimonies

A motion to approve this application was made by Mbr. Fisher, seconded by Mbr. Caravaglia and approved by all members able to vote.
AYES- Fisher, Caravaglia, Bergen, Roman, Fahrer, Napolitano.

Pauline Dyletczuk (510 Openaki Rd)- The applicant is seeking to build a sunroom addition in the rear of the home. It is a cape cod style house and the room are quite small and would like more space. The applicant has a pool in the backyard and the right of the property is too close to their neighbors’ house. The only option to build the proposed addition on the left side of the property but it exceeds the FYS. The required FYS is 50ft and the proposed addition is 34.9ft.

Michael Bengis- Sworn in as a professional architect. Mr. Bengis explained the property is a modest cape cod with minimal living space. The addition is for a better quality of life, with no determinate to the town. Exhibit A-1 shows what the living space would look like with the addition.

Open to board professionals

Rob O’Brien, PE- No questions

Jason Kasler, PP- Stated the bulk of the house doesn’t fit in the envelope of the house. Mr. Kasler agreed that the proposed addition is a good location and the disturbance is very minimal.

Open to board members

Mbr. Napolitano- Questioned the siding and the location of the radon pipe. Ms. Dyletczuk stated the siding will match the rest of the house and the radon pipe will continue to the back of the house.

No public comments or questions

A motion to approve this application was made by Mbr. Fahrer, seconded by Mbr. Bergen and approved by all members able to vote.
AYES- Fahrer, Bergen, Fisher, Roman, Caravaglia, Napolitano.
James McIntosh (185 Cedar Lake East)- Owner and applicant of 185 Cedar Lake East. Applicant stated the house currently has a 1 car garage and is looking to add a 2-car garage at the top of the driveway. He further explained that there used to be garage there, but a tree tore it down.

Thomas Graham (Dykstra Walker Group)- Sworn in as a professional engineer. Stated this is a for a single-family home. The property already has DEP and flood hazard approvals. Exhibit A-1 showed the proposed property with additions. The original garage was requested to be take down by the town. The exhibit showed the proposed driveway and garage addition. The addition complies with all setback requirements. The variance being requested is for an accessory structure to be allowed in the front yard. Mr. Graham stated he does comply with Mr. Ruschke's comments. However, Mr. Graham stated the acreage of the proposed property does not require a storm water report. It was also stated that the applicant will re-apply to the Morris Country soil conservation district for the additional disturbance.

Open to board professionals

Rob O'Brian, PE- It is stated that the total of impervious coverage would be 1300sqft

Jason Kasler, PP- Questioned what is the purpose of another 2-car garage. Mr. Graham stated that the property already had this garage and the applicant would like to add it back to the property. Also for additional storage, but also for bad weather conditions it is not safe to drive the car down on such a steep driveway.

Open to board members

Mbr. Fahrer- Clarified with the engineer that this is addition is not being affected by steep slope.

Mbr. Napolitano- Clarified with the engineer that this addition complies with all required setbacks.

No public questions or comments

A motion to approve this application was made by Mbr. Bergen, seconded by Mbr. Fisher and approved by all members able to vote.
AYES- Bergen, Fisher Fahrer, Caravaglia, Napolitano.

BA 17-23
Norman Rappaport
25 Delaware Trail
Block 40402, Lot 70

Norman Rappaport (25 Delaware Trail)- Applicant and owner of 25 Delaware Trail. Applicant is seeking to repair and enlarge his existing 2nd story deck to make it more useful. The proposed deck is 12 x 27ft and requires a variance for RYS. To the right of the property is NJ railroad and no residents are affected by this addition.

Open to board professionals

Rob O'Brian, PE- No comments
Jason Kasler, PP- Clarified with the applicant that no stairs are being added to the deck.

Open to Board Members

Mbr. Caravaglia- Questioned about any extra light fixtures on the property. Mr. Rappaport stated that he would like to put a light under the deck and it would be residential lighting.

Mbr. Napolitano- Clarified with Mr. Kasler that stairs aren't necessary for all decks.
August 02, 2017

No public questions or comments

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

AYES- Bergen, Fisher, Fahrer, Roman, Caravaglia, Napolitano.

Break from 8:13-8:23

Fred Roughgarden, Esq (350 Lafayette Ave)- Representing the applicant. Stated that this application was previously approved by the board in 2014. Any changes that are done to this application were recommendations from the board professionals or board members. The approval is now voided because there was a noticing issue. It is required by law to notify all residents within 200ft, which failed to happen during the first application.

Kent Rigg (24 Godwin Ave)- Sworn in as a professional planner and engineer. Mr. Rigg stated this is a conforming single-family home, but there was no way to access the house without disturbing steep slope. The variances being requested are for parking spaces in front of the house, proposed deck and porch overhang. All don’t meet the setback requirements. There is no height variance being requested for this house. Mr. Rigg stated it would benefit the surrounding neighborhood and would have no negative impact on local zoning ordinances. The plans were revised after the prior approval for recommendation that were made by the board professionals. Mr. Rigg continued to state that anywhere you build on this lot would disturb steep slope.

Board professionals

Rob O’Brien, PE- No questions
Jason Kasler, PP- Clarified the variance being requested are for SS, RYS for the proposed deck and FYS for the additional 2 parking spaces. The additional FYS was for the porch overhang

Board Members

Mbr. Caravaglia- Clarified there were 2 changes to the drawing and it was due to the recommendations of the board professionals.
Mbr. Roman- Discussion about the surrounding houses are all moderately the same size.
Mbr. Bergen- Discussion about the Storm Water management plan. Mr. Rigg goes over the gutter trench, grade, seepage pits and impervious coverage. Rob O’Brian stated the Storm Water Management put into place will protect the surrounding neighbors.
Mbr. Napolitano- Clarified with Mr. Rigg the extra 2 parking spaces in the front of the house are to not disturb the slope more and have to move the house back.

Open to the public

Serge Wessels (15 Longview Trail)- Lives adjacent to the property. Mr. Wessels questioned about a foundation survey and the retaining wall. It was discussed that these questions would be better answer by the contractor.

Public portion closed

Frank Mariconda (13 Wetmore Dr)- Sworn in as a professional contractor. Contractor and manager of 17 Longview LLC. Again, stated that nothing new has changed with the plans it is still a 2200sqft home with an unfinished basement. The median average for the height of this house is within the towns
requirement. The proposed house is a 3bdr/ 3 bath house, kitchen on the first floor and basement is only used for storage.

Open to Board Professionals

Rob O’Brien, PE- Questioned about the sanitary sewer and Mr. Mariconda stated that there is a sewer pump being put into place.

Mr. Kasler, PP- Clarified with the applicant that there are no plans for the basement to be finished.

No questions from Board Members

Open to the public

Tom Graham (26 Highland Trail)- Questioned about the retaining wall and the safety of it. Mr. Mariconda stated that the engineer has done everything compliant to the towns ordinances.

Chris Golinski (41 Warren Trail)- Questioned what happened if a new resident moved in to the property and tried to finish the basement. Mr. Wiener further explained that in the resolution it would mention what is permitted in this property.

Ellen Jewett (14 Longview Trail)- Discussed the retaining wall height and the height of the house. Mr. Wiener and Mr. Mariconda both stated that both need to comply with all New Jersey standards. The height of the house does not have a variance and is the standard height.

Ben Marsh (28 Highland Trail)- Clarified with Mr. Mariconda that there is no 3rd floor, that it is an attic space that will be used for the HVC.

Michael Carius (19 Longview Trail)- Questioned about the sanitary sewer, and Mr. Mariconda stated the DPW already cleared that is was ok to connect.

End of public portion

Andrew Allen (82 Franklin Rd)- Sworn in and testified. Mr. Allen is the contractor purchaser for this property. Mr. Allen stated that he intends to stay at this house for a long period of time to raise his family.

Open to Board Professionals

Rob O’Brien, PE- No questions

Jason Kasler, PE- Clarified with Mr. Allen that there will be done nothing to the basement.

No questions from board members

No questions from the public

Open to public comments

Serge Wessels (15 Longview Trail)- Made testimony about the sewer connection and retaining wall. Mr. Mariconda stated he will comply with all regulations to not affect his property. It is stated the height of the retaining wall will be 4ft.

Heather Kemp (10 Longview Trail)- Made a statement regarding the process of notifying the neighbors during the variance process. Mr. Wiener explained that past error has been brought to everyone’s attention.

Ben Marsh (26 Highland Trail)- Made testimony about the height of the house and what the town allows. Mr. Kasler explained that the height ordinance is based on median average height. The height of this
house is 31ft and the town allows 35ft. Also stated that his privacy is being disturbed and concerned about the drainage system.

Carol Graham (26 Highland Trail)- Stated the house is too large and does not meet the characteristic of this neighborhood.

Public portion closed

Mr. Wiener and Mr. Roughgarden discuss the height of the retaining wall prior to the board approval for a resolution. Mr. Wiener mentioned with Sal Poli’s approval to work on the retaining wall to get the correct calculation prior to the resolution.

A motion to approve this application with the same conditions as the prior approval was made by Mbr. Bergen, seconded by Mbr. Fisher and approved by all members able to vote.

AYES- Bergen, Fisher, Roman, Fahrer, Caravaglia, Napolitano.

OLD BUSINESS
None

NEW BUSINESS
None

Meeting adjourned at 10:20 PM

Minutes Approved September 06, 2017 Melissa Unrath, Board Secretary.