TOWNSHIP OF DENVILLE
BOARD OF ADJUSTMENT
REGULAR MEETING
MINUTES

September 26, 2018

The Board of Adjustment of the Township of Denville held its scheduled reorganization meeting on Wednesday, September 26, 2018. The meeting was held in the Municipal Building, 1 St. Mary's Place and commenced at 7:00P.M.

Secretary Unrath read NOTICE OF PUBLIC MEETING.

ROLL CALL:
Present: Dan Roman, Adam Caravaglia, Harry Fahrer, Dan Napolitano, Christine Hong, Tim Wagner, Tim Fisher, Ed Moroney
Absent: Tim Fisher, Krista Kussoff

Prof. Present: Larry Wiener, Esq., Jason Kasler, PP, Kevin Nollstadt PE

MINUTES:
A motion to approve the minutes from September 5, 2018 was made by Mbr. Hong, seconded by Mbr. Roman and approved by all board members able to vote.

PURCHASING:
Motion to pay vouchers submitted by Kasler Associates subject to the availability of funds, was made by Mbr. Caravaglia, seconded by Mbr. Hong and unanimously approved by members able to vote.

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

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

RESOLUTIONS:

BA 16-35 Robert DeLuna
518 Openaki Rd
Block 20102, Lot 1

A motion to adopt this resolution was made by Mbr. Wagner, seconded by Mbr. Hong and unanimously approved by all members able to vote.

BA 18-29 Thomas Dubovich
40 Tomahawk Trail
Block 41106, Lot 894

A motion to adopt this resolution was made by Mbr. Wagner, seconded by Mbr. Hong and unanimously approved by all members able to vote.
A motion to adopt this resolution was made by Mbr. Wagner, seconded by Mbr. Hong and unanimously approved by all members able to vote.

PUBLIC HEARINGS

Cedar Lake Property Owners
40 Cedar Lake W
Block 61005, Lot 14.01
Member Hong excused herself from this application.

Rogers Thomas- Lawyer for applicant.

Charles Femminella- Real Estate chair for Cedar Lake Property Owners. The applicant is proposing to construct a gazebo for shade to the residents at the beach. Mr. Thomas stated the gazebo was shifted according to the survey that was given to the board members. Mr. Femminella stated the gazebo would be 12ft from the property line and 20ft from any other structures. Showed Exhibit A-1 which is a picture of the proposed gazebo. The proposed gazebo would be 12ft x 12ft wide and the total height of 11ft. Mr. Femminella stated the gazebo would be esthetically pleasing to the neighbor and have no detrimental impact to the surrounding area.

Open to the Board Professionals

Kevin Nollstadt, PE- Stated he would prefer to see the construction access sited on the plans and also follow NJDEP regulations.

Mr. Thomas stated he would like to amend the application to have a 10ft setback instead of the proposed 5ft.

Jason Kasler, PP- Clarified with the applicant there would be no exterior lighting or sound system.

Open to Board Professionals

Mbr. Fahrer- Questioned all the waivers being requested. It was stated by both Mr. Kasler and Mr. Thomas that for this application the check list for a D variance did not apply to them. The only variance being requested was for side yard setback and an accessory structure to be located on the lot.

Mbr. Caravaglia- It was stated there would be gravel with railroad ties under the proposed structure, making it one-foot step into the gazebo.

Chr. Napolitano- Clarified again with the applicant there would be no lighting proposed.

No public/ questions for testimonies

Rodger Thomas, Esq- Stated the proposed structure would enhance the property and there would be no detrimental impact to the surrounding neighborhood. The gazebo was moved 5ft from the neighboring property. There is still a 10ft side yard variance being requested by the applicant.

A motion to approve this application with conditions was made by Mbr. Moroney, seconded by Mbr. Fahrer and by all board members able to vote.

AYES- Moroney, Fahrer, Roman, Caravaglia, Wagner, Napolitano
Remo Caputo, Esq.- Attorney for the application. Stated this applicant is for an expansion of a non-conforming use for a proposed sign. This property was given a Use variance in 1987 to have a business office in a R-1 zone. Mr. Caputo stated that the applicant is seeking a waiver request for a site plan. If it is deemed that the application does require a site plan, the applicant would not need apply to Morris County for a site plan approval. The applicant is seeking a D2 variance and it would satisfy the general welfare and public safety.

Gerard Duphiney- 67 Cedar Lake Rd- Owner of the property. Stated that most of their customers have a hard time locating their business because of the residential type facade and no signage. There was a sign previously on the property, but did not get the appropriate permit and it had to be taken down. Mr. Duphiney stated that he would propose to have landscape lighting around the sign to make it more visible in the nighttime. However, would be courteous to the surrounding neighbors.

Open to board professionals

Mr. Nollstadt, PE- Stated he has no objections to the site plan waiver.

Jason Kasler, PP- Questioned when the applicant brought the property and it was stated the applicant purchased the property in 2013.

Open to Board Members

Mbr. Caravagli- It was clarified with both the planner and applicant that there was a sign there previously but instead of replacing it was taken down. Therefore, made the applicant re-apply for the sign permit.

Remo Caputo- Showed Exhibit A1 which is a picture of the previous sign.

Mbr. Moroney- Clarified with the applicant that he is amending the applicant to include lighting.

Mbr. Napolitano- Questioned with Mr. Kasler what signs are allowed in a R 1 zone and the smallest in a commercial zone. Mr. Kasler responded in a R-1 zone it would be size of a house number and in a commercial zone is 20ft.

No public questions or comments

Fred Stewart- Sworn in a professional land surveyor and engineer. Showed Exhibit A-2 which a survey that has blue dots showing the distance of all signs located around the area. Exhibit A-3 is a variety of 6 pictures of signs located around the proposed sign. These pictures include signs for the library, St, Francis, Orphanage and Community Church. There is a picture of the proposed sign.

There were no Board Professional comments/questions

Mbr Fahrer discussed the illumination of the sign. Mr. Caputo clarified that it is not something the applicant is requesting now, but in the future if it is requested upon the applicant it would just seeking the zoning official’s approval. Mr. Kasler further clarified it would have to get approval by himself or the engineer. The size would be approximately 12ft with the number.

Mbr. Caravaglia discussed illuminating lighting of signs and Mr. Steward discussed other surrounding areas that have illuminating signs.

No public question or comments
A motion to approve this application based on conditions was made by Mbr. Roman, seconded by Mbr. Fahrer and approved by all board members able to vote.

AYES- Roman, Fahrer, Caravaglia, Moroney, Wagner, Hong, Napolitano

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<tr>
<th>BA 18- 34</th>
<th>Catherine Brown</th>
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Catherine Brown (27 Lake Rd) - Applicant is seeking a 2-story deck. Mini 1500 sq ft porch 550 sq ft. The current house is 1br bungalow. The applicant is constructing a master bedroom suite and seeking board approval for a 2nd story deck out of the bedroom. Applicant is seeking a side and rear yard setback. The deck already existing from the 70’s did not require a variance approval. Ms. Brown stated that her lot size is undersized which makes it challenging to build anything within the setbacks. It would also enhance the benefit of her house. Ms. Brown also explained in the case there was a fire she would like to have easy access to escape from her bedroom.

Open to Board Professionals

Mr. Nollstadt Clarified with the applicant that she is located within a riparian zone and would need to follow the permit by rule.

Mr. Kasler - Clarified with the applicant there would be no proposed step coming from the deck.

Open to Board Members

Mbr. Moroney - Questioned the applicant if she considered putting the 2nd story deck off the front of her house. Ms. Brown stated she did an estimate for this and it would be too costly. There was a discussion of how close in proximity the neighbor and the deck would be. Ms. Brown stated there would be enough distance and the 2 lots are separated by trees.

Chr. Napolitano - Questioned the applicant if the surrounding neighbors would be affected by the construction of this deck. The applicant stated she did not feel her neighbors would be affected by the property.

Open to the public for questions/comments

Irene Zhou (25 Lake Rd) - Showed Exhibit O1 of an aerial photo off google to show the two properties. Ms. Zhou stated that she would be negatively affected by the construction of this deck. There are 5 reason why Ms. Zhou is not in favor of this application. She feels her daylight and ventilation would be affected. She would to preserve as much of the open space these two lots have because they are so undersized. Ms. Zhou is also concerned for fire hazards that these properties are becoming closer together. Lastly, she does feel that the proposed deck is in character with the rest of the lake community.

Ms. Brown - Questioned Ms. Zhou if she is the owner of the property. Ms. Stated that she is the owner, but is currently renting out the property.

Open to Board Members

Mbr. Hong - Questioned Ms. Zhou is she would be in favor of Ms. Brown reducing the size of her deck. Ms. Zhou stated she would be in favor of maximizing any open space.

Sharon Lassins (29 Lake Rd) - Concerned about the proximity of the proposed deck and her property. Also agrees with Ms. Zhou in preserving the limited amount of open space.
Ms. Brown- Stated the trees would be higher than the proposed deck and does not believe the character of her deck would be a negative to the community. Also stated she would like to maximize as much of her property as possible. Is not in favor of reducing the size of her deck

A motion to deny this application was made by Mbr. Roman, seconded by Mbr. Hong and denied by the all board members able to vote.

AYES- Roman, Hong, Caravaglia, Moroney, Fahrer, Napolitano
NAYES- Wagner

OLD BUSINESS- NONE
NEW BUSINESS - NONE

Meeting adjourned at 9:39 PM

Minutes Approved: November 7, 2018
Melissa Unrath, Board Secretary.