February 21, 2018

TOWNSHIP OF DENVILLE
BOARD OF ADJUSTMENT
REORGANIZATION MEETING
MINUTES

February 21, 2018

The Board of Adjustment of the Township of Denville held its scheduled reorganization meeting on Wednesday, February 21, 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, Tim Fisher, Adam Caravaglia, Harry Fahrer, Ed Moroney, Krista Kussoff
Absent: Dan Napolitano, Jim Rodimer, Tim Wagner
Prof. Present: Larry Weiner, Esq., Jason Kasler, PP, John Ruschke, PE

MINUTES:
A motion to approve the minutes from 1/17/18 was made by Mbr. Fisher, seconded by Mbr. Moroney and unanimously approved by all members able to vote.

ROLL CALL: Ayes – Fisher, Moroney, Caravaglia, Fahrer, Kussoff

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

RESOLUTIONS

BA 17-21 Leonard Holding Realty, LLC
3010 Rt. 10 W
Block 31501, Lot 4
A motion to adopt this resolution of approval was made by Mbr. Fisher, seconded by Mbr Moroney and unanimously approved by all members able to vote.
Ayes- Fisher, Moroney, Fahrer

BA 17-31 Prime Healthcare Services, Saint Claire’s, LLC
25 Pocono Rd
Block 50002, Lot 2
A motion to adopt this resolution of approval was made by Mbr. Moroney, seconded by Mbr Fahrer and unanimously approved by all members able to vote.
Ayes- Moroney, Fahrer, Fisher, Caravaglia,
A motion to adopt this resolution of dismissing without prejudice was made by Mbr. Moroney, seconded by Mbr. Kussoff and unanimously approved by all members able to vote.

**AYES:** Moroney, Kussoff, Fisher, Caravaglia, Fahrer

### PUBLIC HEARINGS

**BA 18-03**  
**ShanLi Chen**  
15 Cedar Lake West  
Block 60902, Lot 27

Larry Wiener had to excuse himself from this application and George Johnson, Esq handled this application.

**ShanLi Chen** (15 Cedar Lake West)- The applicant is seeking to make her household more handicap accessible. There are currently no bedrooms or bathrooms on the first floor.

**Jeff McEntee** (59 Broadway)- Sworn in as a professional architect. The applicant is seeking to reduce the 2-story house to a 1 story. The foundation would stay the same and are reconfiguring the house. There would be a deck added and an addition toward the front of the yard. The applicant is seeking a side yard and rear yard setback. The applicant does comply with all John Ruschke recommendations.

Open to the Professionals

**John Ruschke, PE**- Stated that this property is a unique shape.

**Jason Kasler, PP** – Clarified that the deck is no longer an encroachment but a setback requirement. The rear yard setback would be enlarged.

Open to the Board Members

**Mbr. Fisher**- Clarified that there would be standard lighting.

**Mbr Caravaglia**- Clarified the house is not increasing the bedroom calculations.

Open to the public

**Kenneth Spencer** (17 Cedar Lake West) Neighbor of the applicant stated he is in favor of this application.

Closed public session

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

**AYES:** Moroney, Fisher, Roman, Caravaglia, Fahrer, Kussoff

**BA 17-35**  
**Barefoot Rehabilitation Clinic**  
45 Broadway/ 26 Bloomfield  
Block 50305, Lot 207

The applicant is applying to board to owns a Chiropractor office on the first floor within the B1 district.
Christopher Stepien- Sworn in and testified as the applicant. The applicant is a license chiropractor and owner of Barefoot Rehabilitation Clinic. The business has been operating since 2010 and is currently located in Parsippany. It is a massage, chiropractor and energy healing business. It is currently employed by 5 employees. The current property was owned by Mathnasium

No board professionals had questions

Open to Board members

Mbr. Caravaglia- Questioned how long the sessions usually last. Mr. Stepien clarified each session is usually about 15 minutes unless you are new client than its 1 hr.

Mbr. Fahrer- Questioned if their property is on the first floor. Mr. Wiener explained that due to flooding regulations the building had to be elevated to a certain level. Therefore, the steps had to be larger and the applicants are still located on the first floor.

No public questions

Peter Steck- (80 Maplewood Ave) – Sworn in and testified as a professional planner. Exhibit A-1 is an aerial photograph, zoning map/regulations and photos of the property. Mr. Steck explained due to this property's lay out it would not be beneficial as a retail space. The board previously approved the application for Mathnasium. Mr. Steck explain that it meets the standard for a D1 variance and it not suited for retail space. This can be approved without substantial detriment to the public good and zone plan

Open to board professionals

John Ruschke, PE- No questions

Jason Kasler, PP- Agreed with Mr. Steck on the D1 and D2 variance requests.

Open to board members

Mbr. Caravaglia- Questioned if there has to be handicap parking regulations. Mr. Ruschke explained that there are no regulations for how many handicap parking spots for retail spaces. The building has to be handicap accessible but parking is not required.

No public questions/comments

A motion to approve this application as submitted was made by Mbr. Fisher, seconded by Mbr. Moroney and approved by certain members.

AYES- Fisher, Moroney, Roman, Fahrer, Kussoff
NAYES- Caravaglia

BA/SS 17-32  Alton Delane
6 Austin Minor Ct
Block 20901, Lot 9.08

Alton Delane - Sworn in and testified as the applicant. Mr. Delane explained that one of his children has significant medical problems and his current house is not suited for this type of situation. The proposed single-family dwelling and would be handicap accessible. The house would have widened hallways, elevator and bedrooms on the first floor. The variance being requested are for steep slopes.

No board professionals, members or public questions.

Thomas Graham (Dykstra Walker)- Sworn in as a professional engineer. Showed Exhibit A-1 is the plot plan rendering. 4bdr single family dwelling and there are no bulk requirements. This plot is part of the Dol
Crest subdivision that was approved by the Planning Board. Mr. Graham explained that when this lot was created steep slopes were not required for this property. These steep slopes he believes are manmade. The applicant stated that he will comply with all Mr. Ruschke's comments about drywell.

Open to board professionals

**John Ruschke, PE**- Stated the applicant must comply with storm water management and soil erosion.

**Jason Kasler, PP**- Questioned if the applicant considered constructing the house more westward to eliminate some of the steep slopes. Mr. Dykstra explained that due to the main purpose of the layout of the house it would be more beneficial to keep the house as flat as possible.

Open to Board Professionals

**Mbr. Fahrer**- Questioned about moving the house closer to the street and going for a variance rather than disturb steep slopes. Mr. Graham explained that bringing the driveway closer would make it steeper and the applicant would prefer to have easy access to the house. It was discussed that trees would be cut down on the property.

It was discussed that any landscaping would be done by the owner's discretion.

Open to the public

**Johanae Moetzel** (324 Palmer Rd)- Questioned if his property would be affected by the construction. Mr Graham explained that the property would collect all storm water runoff from the roof and driveway. There would also be no increase of water runoff. Also, a super silt fence would be put into place suggested by Mr. Ruschke.

Public portion closed

It was discussed to have a tree mitigation plan submitted to Mr. Ruschke for final plan approvals.

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

**AYES:** Moroney, Kussoff, Fisher, Roman, Caravaglia, Fahrer

**BA 17-33**

**Keith Clifford**

7 Mountain Rd
Block 20901, Lot 9.08

Mbr. Roman excused himself from this application and Mbr. Fisher took the spot as Chairperson.

**Keith Clifford** (7 Mountain Rd)- Mr. Clifford bought the house in 1986 and the apartment was already existing. At that time, he spoke with the Zoning Official and it was stated that if it was pre-existing before 1964 that it would be grandfathered. However, when it was brought up to Sal Poli there was no record of this and the process had to be heard again.

**Larry Wiener, Esq**- Stated that without real hard evidence this application would still need to proceed with the variance. He advised Mr. Clifford that proceeding with a D1 variance would be most beneficial.

There was a discussion if this application should be a use variance or a non-conforming use.

**Mbr. Moroney**- Questioned if Mr. Clifford had any records of his past tenants. Mr. Clifford stated that most tenants payed cashed and there are no records.
Testimonies

**William Ryden (12 Mountain Rd)**- Lives across the street from the applicant, stated that this apartment does not affect him directly and does not even notice the apartment.

**Thomas Furgal (35 Shawger Rd)**- Lives directly behind the applicant and can see the apartment from his property but has no objection to it and think it’s a good fit for the neighborhood.

No public questions or comments

It was stated from Larry Wiener to carry the vote till March 21st without further notice till there are more eligible members to vote.

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**BA 18-01**  
**Smbat Vardazaryn**  
5 Leonard Place  
Block 60603, Lot 42

**Smbat Vardazaryn**- (5 Leonard Place)- Applicant is seeking to build a 10X14 shed located in the front yard of the property. Stated that there currently is a fence that goes around his property that prevents the shed of being located in the backyard. The shed is currently in the front yard now because the applicant was unaware of going through the permit process.

Open to board professionals

Jason Kasler, PP- Suggested relocating the fence to the rear of the yard. Mr. Vardazaryn was not in favor of the change.

Open to board members

**Mbr. Kussoff**- Questioned the calculations from the shed to the end of property. It was stated that the calculations on the application are inaccurate.

**Mbr. Fisher**- Stated that he would like to see the shed re-located to the backyard.

No public questions or comments.

The board recommends more accurate dimensions or relocate the shed to the backyard. Mr. Vardazaryn stated he would like a vote from the board and to not come back for another hearing.

A motion to deny this application was made by Mbr. Caravaglia, seconded by Mbr. Kussoff and denied by the board members able to vote.  
**AYES:** Caravaglia, Kussoff, Fisher, Roman, Moroney, Fahrer

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**BA 18-02**  
**Hope Zimmerman**  
87 Cedar Lake West  
Block 61004, Lot 216

**Hope Zimmerman** (87 Cedar Lake West)- Sworn in and testified as a professional architect. The applicant is seeking to add a first-floor bedroom. There is currently a garage on the side of the house, but the applicant is looking to add a bedroom in between the house and garage. This would make it an attached garage. The property is a corner lot which makes it difficult to put the addition in another location.
Open to board Professionals

**John Ruschke, PP** - Clarified there is no change in grading.

No questions from the board members or public

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

**Closed Session**
Ringo Vs. Denville TWP ZBA
(minutes coming at a later date)

Meeting adjourned at 10:17 PM

Minutes Approved: April 04, 2018
Melissa Unrath, Board Secretary.