TOWNSHIP OF DENVILLE
BOARD OF ADJUSTMENT
REGULAR MEETING
MINUTES

July 11, 2018

The Board of Adjustment of the Township of Denville held its scheduled reorganization meeting on Wednesday, July 11, 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, Krista Kussoff, Dan Napolitano, Christine Hong Tim Fisher, Tim Wagner (comes late), Harry Fahrer
Absent- Ed Moroney, Adam Caravaglia

Prof. Present: Alyse Hubbard, Esq., Jason Kasler, PP, John Ruschke, PE

MINUTES:
A motion to approve the minutes from 6/6/18 & 6/20/18 was made by Mbr. Roman, seconded by Mbr. Fisher and unanimously approved by all members able to vote.

ROLL CALL: Ayes – Roman, Fisher, Caravaglia, Fahrer, Kussoff, Hong, Napolitano

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

RESOLUTIONS:

BA 17-21    Robert Mariani
29 Hillcrest Dr
Block 61101, Lot 78
A motion to adopt this resolution of extension of time was made by Mbr. Roman, seconded by Mbr. Fahrer and unanimously approved by all members able to vote.

Ayes-Roman, Fahrer, Kussoff, Napolitano

BA 18-09    Suzanne Randall
125-126 Hillcrest Dr
Block 70501 & 70502, Lot 498 & 335
A motion to adopt this resolution of extension of time was made by Mbr. Fisher, seconded by Mbr. Kussoff and unanimously approved by all members able to vote.

**Ayes**- Fisher, Kussoff, Roman, Fahrer, Napolitano

**PUBLIC HEARINGS**

**BA 18-22**  
Chichao Yu  
85 E Glen Rd  
Block 61502, Lot 13

Chichao Yu- Applicant is seeking to rebuild an existing shed. The current shed was built without a variance and to rebuild the shed it requires a variance for a 17ft side yard setback. Mr. Yu stated the current shed is in need of repairs. The yard is separated by a stream and steep slopes and close to the neighbor.

Open to Board Professionals

**Mr. Ruschke**- It was clarified with Mr. Yu the original shed was there for 30yrs.

**Mr. Kasler**- Established there are no electricity/plumbing proposed.

Board Members-

**Mbr. Fahrer**- Clarified with Mr. Yu the foundation would be concrete.

It was also established the proposed shed would be smaller.

**Mbr. Napolitano**- Questioned about a possible generator, Mr. Yu stated the generator would be stored in the shed.

There was no board member questions or comments

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

**AYES**- Fahrer, Fisher, Roman, Kussoff, Hong, Napolitano

Noted Mbr Wagner just showed up to the meeting.

**BA/SS 18-18**  
Mihir Patel  
2 Mirador Ct  
Block 70301, Lot 71

Mihir Patel-(6 Walnut Trail, Newtown) Sworn in- Applicant is seeking to construct a new single-family residence. The applicant is seeking Steep Slope variances

No questions from the board professionals, board members or from the public.
Paul Fletcher (54 W Pond Rd, Hopelawn, NJ) Sworn in and approved by the board as a professional engineer. Stated the lot is currently vacant and the lot was established in 1978. Mr. Fletcher stated the lot is challenging because its located on a steep slope. The proposed driveway would be built from the flag stem off 2 Mirador Ct and that lot is less than 15%. The lot is approximately 48,709 sq. ft and there is only a small lot that is less than 15% of steep slope and it not practical to build a house there. Allowed to 50% and it is disturbing 58%. The ordinance does not allow residence to build on 30% or more of steep slopes and the applicant is proposing to build 41% of steep slopes in the 30% or more radius. Mr. Fletcher stated that this application does have a hardship of being able to build a house on such a steep lot. The Storm water calculation would be revised based on Mr. Ruschkes memorandum. Mr. Fletcher stated that based on Mr. Ruschke memorandum the plans would be revised according to all his comments.

Open to Board Professionals

Mr. Ruschke, PP- Stated that is lot is a hardship due to the steepness and even by downsizing the house the slopes would still be disturbed. Mr. Ruschke explains that the grading plan is very important for this application, along with the storm water calculations.

Mr. Kasler, PE- Questioned about the proposed driveway and visibility at 7%. Mr. Fletcher stated that he does not see an issue of 7% and the visibility.

Open to the Board Members

Mbr. Fahrer- It was stated that the only variance being requested for this application is for steep slopes and waivers for topographic survey and landscaping (removal of trees). The building height is not a concern for this application. Mr. Fahrer expressed concern for the number of slopes that are being affected. There were some discussions about possibility of a retaining wall. Mr. Ruschke stated that this would need to be seen by the board on revised plans.

It was stated at this time the applicant would be revising the plans and adjourn the hearing.

Mbr. Hong- Stated she would like to see on the revised plans how close the proposed house is to the nearest fire hydrant.

Mbr. Kussoff- Questioned if the modular wall is still proposed or just the deck. Mr. Fletcher stated both are being proposed for this application.

Chr. Napolitano & Mbr. Roman- Stated he is in favor of this application being revised.

Chr. Napolitano- Stated he prefer to see the contours off site. Mr. Fletcher stated that he would need to go onto other residents’ properties, but if this is something the board would prefer to see he would do so. Mr. Napolitano stated that he would also be in favor of seeing a basic landscaping plan. Mr. Kasler did agree that seeing a basic landscaping plan along the driveway would be beneficial to the neighboring properties.
Mr. Ruschke mentioned showing on the plans the trees that would be saved rather than all the trees being cut down.

Open to the public for questions

**Ali and James Sheidemann (13 Alpine Dr.)**- Stated how the grading would affect their property. Mr. Fletcher stated the grading would be need to be approved by the board engineer. Mr. Sheideman stated that if something should happen and his grading is affected is there a protection for his property. Chr. Napolitano stated that as long as the building and construction codes were followed there is no protection for the neighbors.

Darlene Wolt (4 Mirador Ct)- Questioned if the proposed driveway would affect the drainage of her property. Mr. Fletcher stated that the proposed driveway is lower than her property. Mr. Wolt stated that she had a discussion with Mr. Patel about switching some lot coverage. Mr Wolt question if this was ever discussed. Mr. Fletcher stated that it was not discussed any further.

Public portion closed.

It was stated that this hearing would be extend with revised plans to August 1st without further notice.

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<th>BA 17-21</th>
<th>Harry Fahrer</th>
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<td>26 Evergreen Rd</td>
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<td>Block 30501, Lot 50</td>
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It was stated by ALL board members that the only affiliation they have with Mr. Fahrer is being a member with him on the Board of Adjustment and their decisions would be unbiased.

**Harry Fahrer** (26 Evergreen Rd) - Mr. Fahrer stated that since he purchased his house the road to enter his property is now located in the back of his house. The applicant is seeking to have the back of his house look like the front of his by proposing a porch with an overhang. The proposed structure required a front yard setback.

Open to Board Professionals

**Mr. Kasler**- Questioned the applicant of the 3 accessory structures that exist on his lot currently. Mr. Fahrer stated the deck and garage existed years ago and received approval for the pole barn from the zoning Board of Adjustment. Mr. Kasler stated that this would be considered a pre-exiting non-conforming structure.

There are no questions from the Board Members or public

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

**AYES**- Kussoff, Fisher, Roman, Wagner, Hong, Napolitano
NEW BUSINESS-

Chr. Napolitano- Discussed that it was brought up by the council liaison about the boards’ 10pm curfew. Chr. Napolitano would like to have certain board members research other towns to see what time they typically end their meetings.

OLD BUSINESS- NONE
NEW BUSINESS- NONE

Meeting adjourned at 8:34 PM

Minutes Approved: Aug 1 ,2018 Melissa Unrath, Board Secretary.