TOWNSHIP OF DENVILLE
BOARD OF ADJUSTMENT
REGULAR MEETING
MINUTES

October 16, 2019

The Board of Adjustment of the Township of Denville held its scheduled regular meeting on Wednesday, October 2, 2019. 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: Tim Wagner, Tim Fisher, Ed Moroney, Christine Hong, Krista Kussoff, Adam Caravaglia
Absent: Dan Napolitano, Chris Titze, Harry Fahrer
Prof. Present: Larry Wiener, Esq., Jason Kasler, PP, Kevin Nienstadt, PE

MINUTES:
Motion to adopt the minutes from September 18, 2019 was made by Mbr. Moroney, seconded by Mbr. Fisher and unanimously approved by members able to vote.

Motion to adopt the minutes from October 2, 2019 was made by Mbr. Hong, seconded by Mbr. Kussoff and unanimously approved by members able to vote.

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

RESOLUTIONS:
BA/MS 19-27 Springpoint @Denville LLC (Not Voting: Kussoff, Napolitano)
18 Pocono Rd
Block 50001, Lot 1
A motion to approve the resolution of approval was made by Mbr. Hong, and seconded by Mbr. Fisher and approved by all members of the board.
AYES: Hong, Fisher, Caravaglia, Moroney, Wagner

BA 19-33 Amanda Jahn (Not Voting: Fahrer, Titze, Caravaglia)
71 Sunset Trail
Block 41103, Lot 289
A motion to approve the resolution of approval was made by Mbr. Moroney, and seconded by Mbr. Kussoff and approved by all members of the board.
AYES: Moroney, Kussoff, Caravaglia, Wagner, Hong
BA 19-34  Daniel Kresge (Not Voting: Fahrer, Titze, Caravaglia)  
440 Diamond Spring  
Block 50803, 15  
A motion to approve the resolution of approval was made by Mbr. Moroney, and seconded by Mbr. Kussoff and approved by all members of the board.  
AYES: Moroney, Kussoff, Caravaglia, Wagner, Hong

PUBLIC HEARINGS:

BA 19-23  Paul Rolandelli  
385 Diamond Spring Rd  
Block 60505, Lot 31  
Application carried to November 6th without further notice.

BA 19-35  Jessica Schmucker  
24 St. Marys Place  
Block 50402, Lot 4

Jessica Schmucker (24 St. Mary’s Place)- Applicants are seeking to construct a front porch. The porch requires a front yard setback. The applicants state the porch would be aesthetically pleasing for the neighborhood.

Open to Board Professionals

Jason Kasler, PP- Explained that from the front of property to the porch is 18.5 ft and with the proposed 2 steps it would be a setback of 16ft. The applicant stated they would amend the application to 16ft instead of 26ft.

Open to Board Members

Mbr. Caravaglia- Questioned the applicant if they are proposing steps from the side of their house. It was stated that the applicants are proposing the side steps and it would not need an additional variance.

Mbr. Hong- Questioned the applicants if they would construct the porch to the side of the house. Mrs. Schmucker stated that it would be more beneficial to build the porch in the front of the house.

No public comments

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

AYES- Moroney, Kussoff, Fisher, Caravaglia, Wagner, Hong

BA 19-37  Carlos Menese  
39 Smith Rd  
Block 11101, Lot 5

Carlos Menese (39 Smith Rd)- Showed Exhibit A1 which is an amended survey to show the walkway to the front steps. The current steps are falling apart and for safety purposes they need to be repaired. There is a proposed landing and 2 additional steps. The proposed steps would be 3ft longer than the current steps and require a front yard setback.

No Board Professional questions

Mbr. Hong- Clarified the correct setback is 28.5 ft.
No public comment

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

AYES- Hong, Kussoff, Fisher, Caravaglia, Moroney, Wagner

Break 7:28-7:33

BA/SS 19-07  Truebuilt Homes, LLC
19-21 Rockaway Ave
Block 60207, Lot 320, 322, 324

Mbr. Hong excused herself from this application.

Paul Anderson, PP PE- The applicant submitted revised plans based on comments made by the public and board members. The house was flipped from left to right to reduce some of the steep slope disturbance. The deck was reduced to 20 x10 feet and made the rear yard setback to 32.9 feet. The front door has been indented to make the front yard setback 21. 6 ft. The grading has been changed to reduce the steep slopes disturbance. The only category being disturbing is in the 30+ category. Mr. Anderson reference the revised sediment control plan and explained there are now 2 purposed super silk fences with a hay bale in between to block any sediment/ water run off that would enter into the lagoon. The proposed bathroom in the basement has been eliminated from the plan and the master shower has been reduced to a standard size. The applicants received 2 permits from the NJ DEP. The permit states that the application is not disturbing the wetlands and flood hazards areas are being mitigated. Mr. Anderson stated that this proposal does not impact the zoning ordinances. The 2 DEP permits were exhibit A2 & A3.

Remo Caputo, Esq- Stated that the applicants have spoken with the Cedar Lake Community Club and have agreed to a condition that any debris that may enter the lagoon must be cleared up within 5 business days of notice.

Open to Board Professionals

Kevin Niellstadt, PE- It was clarified a super silk fence is what is necessary for this project, but the applicants are taking extra precaution by adding another super silk fence.

Jason Kasler, PP- Questioned Mr. Anderson if he could explain what it means to reduce the topographical use due to use of topographical variation. Mr. Anderson stated that it explains that the application is disturbing already disturbed steep slopes and the calculations were not put into this revised application. It was stated that there would be gutters proposed on the house for any additional water runoff.

Open to Board Members

Mbr. Kussoff- Questioned what the steep slope categories were on the initial application. Mr. Anderson stated in the 20-24 category 307 sq. ft is being disturbed. In the 25-29 category 227 sq. ft is being disturbed. In the 30+ category 1188sq ft is being disturbed.

Mbr. Moroney- It was questioned and answered to have no stairs from the house to the lagoon.

Mbr. Fisher- Stated that he appreciated the extra precautions for water runoff into the lagoon.

Open to the Public for questions/ comments
Roger Thomas, Esq - Stated that he appreciated the extra super silk fence for environmental protection. It was discussed to have all the necessary DEP permits be a condition and a deed notice (chain of title) that would run with the land to upkeep all environmental protection. It was agreed upon to have the plot plan and revised plans made into exhibits 5 & 6 for reference for the resolution.

Joseph Spellman (27 Rockaway Ave) – Stated the current property is an eye sore and the proposed project would be a benefit to the community.

The following conditions were stated upon approval of the application. The builder would follow all DEP permit regulations. Any debris from the construction that may enter the lagoon must be picked up within 5 business days from the first notice. There would be a deed notice to amend any DEP restrictions. The plans would be amended to show the following conditions.

A motion to approve this application with conditions was made by Mbr. Moroney, seconded by Mbr. Fisher and approved by all members of the board eligible to vote.

AYES- Moroney, Fisher, Kussoff, Caravaglia, Wagner

NEW BUSINESS- NONE

OLD BUSINESS-

William Newtown from 51 Entrance Way is requesting the board approve a field change to adjust there approved 17.5 ft high garage to be changed 20 ft high.

The board members discussed that it would not be a field change as it is too high from what is allowed in the zone & what was previously approved. The applicant would need to come back to justify the change in height. It would be an amended application and would need to be re-noticed. There would be no additional application charge.

A motion was made to have the applicant come back to the board to change their application. A motion was made by Mbr. Caravaglia, seconded by Mbr. Moroney and approved by all members able to vote.

AYES- Caravaglia, Moroney, Fisher, Kussoff, Wagner

Meeting adjourned at 8:22 PM

Minutes Approved: November 6, 2019   Melissa Unrath, Board Secretary.