The Board of Adjustment of the Township of Denville held its scheduled regular meeting on Wednesday, September 18, 2019. The meeting was held in the Municipal Building, 1 St. Mary's Place and commenced at 7:00 P.M.

Secretary Unrath read NOTICE OF PUBLIC MEETING.

ROLL CALL:
Present: Tim Wagner, Tim Fisher, Ed Moroney, Adam Caravaglia, Ed Moroney, Christine Hong, Harry Fahrer, Chris Titze
Absent: Krista Kussoff, Dan Napolitano
Prof. Present: Larry Wiener, Esq., Jason Kasler, PP, Samantha Anello, PE

MINUTES:
Motion to adopt the minutes from September 4, 2019 was made by Mbr. Hong, seconded by Mbr. Moroney 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. Fisher, seconded by Mbr. Moroney and unanimously approved by members able to vote.

RESOLUTIONS

BA 19-16 Michael Gonzalez
3 Bunt St
Block 30604, Lot 5
A motion to approve the resolution of approval was made by Mbr. Moroney, and seconded by Mbr. Caravaglia and approved by all members of the board.
AYES: Moroney, Caravaglia, Fahrer, Wagner, Titze

BA 19-18 Andrew Main
10 Bunt St
Block 30603, Lot 14
A motion to approve the resolution of approval was made by Mbr. Moroney, and seconded by Mbr. Caravaglia and approved by all members of the board.
AYES: Moroney, Caravaglia, Fahrer, Wagner, Titze

BA19-17 Andrew Main and Michel Gonzalez
3 & 10 Bunt St
Block 30604, 30603, Lot 5 & 14
A motion to approve the resolution of approval was made by Mbr. Moroney, and seconded by Mbr. Caravaglia and approved by all members of the board.
AYES: Moroney, Caravaglia, Fahrer, Wagner, Titze
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, Fahrer, Wagner

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, Fahrer, Wagner

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, Fahrer, Wagner

**PUBLIC HEARING**

Application has been carried to October 16th without any further notice.

Mbr. Moroney recused himself from this application.

**Shankar Venkateswaran & wife (3 Bellaire Ct)** - The applicants are seeking to extend a current deck to attach to an existing pool and requires a rear yard setback of 13ft. Mr. Venkateswaran referenced photo 1 submitted in the packet and stated the property is irregular shaped. In the application on page 6 showed the existing deck and the walkway to the pool. In the application page 7 showed the proposed deck extending to the existing pool. There is also a mature tree that the applicants are avoiding so it would not be removed.

Open to Board Professionals

**Samantha Anello, PE** - It was clarified that the deck extending from the sides of the pool would be about 2-3ft.

Mr. Wiener questioned if the denial letter is what the application is proposing and Mrs. Venkateswaran stated that the denial is not correct. Mr. Poli just needed to deny her on any dimension.

**Jason Kasler, PP** - The mechanicals for the pool would be on the right side of the existing deck.
Mbr. Hong- It was questioned and answered there is about 10ft from the edge of the woods to the proposed pool.

Mbr. Fahrer- Clarified with the applicant that the proposed deck cannot extend around the whole pool and only what is proposed on the application. The applicants stated that they only propose the 13ft setback.

Mbr. Fisher- It was questioned and stated that there would be a proposed gate at the end of the stairs.

Mbr. Caravaglia- Questioned the applicant’s hardship and it was stated that the property is irregular shaped. Also, anyone going into the pool wouldn’t have to travel through the yard to get into the pool.

The house is served by public water.

No public questions/ comments

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

Ayes- Fahrer, Titze, Fisher, Caravaglia, Wagner, Hong

 Remo Caputo, Esq- Representing the applicant.

Janine Pelham- Owner of 37 Hillcrest Drive. Mrs. Pelham stated that she accidentally installed the deer fence without a permit and then found out her property has 2 front yards which requires a variance. It was stated that there are 2 easements on this property and where the current fence is looks like the backyard but it is legally her front yard. The applicant stated she suffered from both Lyme disease and bartenella and wanted to protect her property from any possible ticks. The proposed fence is wired and does not resemble a regular fence.

Open to Board Professionals

Samantha Anello, PE- Questioned the purpose of the 2 gates and Mrs. Pelham stated those are where the two septic tanks are located.

Open to Board Members

Mbr. Fisher- Questioned the applicant if anything has been done to the property to allow for the access of fire trucks. Mr. Pelham stated the driveway has been widen and now allows for trucks to be able to turnaround in her driveway.

Next witness

Paul Anderson, PE PP- Showed exhibit A1 which are a variety of photos of the property and the existing deer fence. The hardship on this application is the topography of the property. The front yard is actually supposed to be in the rear yard. Mr. Anderson stated that this application can be approved without any detriment to the neighborhood and have any impact to the zone plan or ordinance.

No questions from Board Professionals

Open to Board Members
Mbr. Titze- Questioned if at some point if the owners wanted to change the look of the fence would it need to be approved by the board. It was stated that if the fence changes in style it would require another variance.

No public question/comments

It was granted to have a waiver for a signed and sealed survey.

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

AYES- Hong, Moroney, Fisher, Caravaglia, Fahrer, Wagner, Titze

Marilyn & John Donahue (9 Indian Spring Trail)- The applicant is seeking to construct a deck requiring a side yard setback of 5ft. The house was built in 1964 and needed 2 variances because of the size of the lot. Mrs. Donahue stated that she also wanted the deck so there will be two accessways to get out of her house for safety purposes.

Open to Board Professionals

Samantha Anello, PE- Stated the house is within the riparian buffer zone and to build a deck the applicants must follow the required conditions. There would be no net loss, disturbance of 25ft from the bank and the deck is not enclosed. It was stated that applicant satisfied all these requirements.

Jason Kasler, PP- Clarified the deck is proposed to be above the existing patio.

Open to Board Members

Mbr. Hong- Clarified the shed is a far distance from the proposed deck. Also, the ac condensers are to be under the deck.

No public questions or comments

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

AYES- Moroney, Fahrer, Fisher, Caravaglia, Wagner, Hong, Titze

John Sarto, Esq- Representing the applicant. The property being discussed is 18 Pocono Rd for a minor subdivision, conditional use and bulk variances. There is an existing parking lot of 171 spaces. The purpose of this application is to convey part of the parking lot to the hospital.

James Sends, PLS (35 Technology Drive)- Sworn in as a professional land surveyor. The Existing lot 1 is surrounded by the book barn and athletic fields. There is an integrated parking lot for lots 1 & 2. The applicant is seeking to subdivide 1.45 acres to the hospital and leave the remaining parking lot to lot 1. The lot is already non-conforming and there are no actual changes to the parking lot. A cross access easement would need to be provided from both parties.
John Sarto, Esq- Explained that the Denville Planning Board approved a similar application last year, but since this application has a Principal Primary Use (D3) the Zoning Board has jurisdiction on this application. Mr. Sarto stated there would be appropriate wayfaring signage. There are two waivers the applicant are requesting. The first is to show the topography impact and Mr. Sarto stated that it is a fully developed site. The second is for the plot to be scaled to 1 =100 instead of 1=40 due to the size of the lot.

Open to Board Professionals

Samantha Anello, PE- Stated that a metes and bounds description would need to be submitted for review. The dedication of snow plowing and maintenance would be stated in the cross-access easement.

Jason Kasler, PP- Explained that this application is basically for each owner to have sole ownership for a piece of the parking lot.

Open to Board Members

Mbr. Fahrer- Clarified that the applicants won’t have strict designated parking spots and the surrounding properties can still utilize those spots. Mr. Sarto agreed to that statement.

No public questions
Next Witness

Andrew Janiw, PP (315 NJ-34) – Sworn in as a professional planner. The property is located in an OB3 zone. The applicant does not meet all the standards for a principal use for off street parking. There is no parking allowed in the front yard. The applicants are also seeking variance’s for front, rear and side yard setbacks. The ordinance requires a lot area of 2 acres and the applicant is proposing 1.45 acres. St. Claires is an inherently beneficial use for the town and would not have a negative impact to the zoning ordinance.

Open to Board Professionals

Jason Kasler, PP- Clarified if the applicant followed the zone ordinances it would take away parking spots and create variance on the other side of the lot.

No questions from board members or the public

The application is approved with conditions to waive the topographical map since there are no changes to the actual property. The map can be scaled to 1=100. The applicant would comply to the board engineers report and all other state agencies

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

AYES- Moroney, Fahrer, Fisher, Caravaglia, Wagner, Hong, Titze

OLD BUSINESS- NONE
NEW BUSINESS- NONE

Meeting adjourned at 8:48 PM

Minutes Approved: October 16,2019 Melissa Unrath, Board Secretary.