The Board of Adjustment of the Township of Denville held its scheduled regular meeting on Wednesday, February 6, 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: Dan Napolitano, Tim Wagner, Tim Fisher, Ed Moroney, Adam Caravaglia, Krista Kussoff, Ed Moroney, Christine Hong, Harry Fahrer, Chris Titze

Prof. Present: Larry Wiener, Esq., Jason Kasler, PP, John Ruschke

MINUTES:
A motion to approve the minutes from March 6, 2019 was made by Mbr. Kussoff, seconded by Mbr. Wagner and unanimously approved by all members able to vote.

ROLL CALL: Ayes – Kussoff, Wagner, Fisher, Fahrer, Hong, Napolitano

PUBLIC HEARINGS

BA 19-05 Helen English
62 Highland Trail
Block 40810, Lot 489

Helen English (62 Highland Trail) – The applicant is seeking to build a garage that attaches to the house. There would also be a second story above the garage. There is also an existing front porch that the applicant is proposing to extend and make it 20 ft from the road. The applicant is seeking variance relief for front, rear and side yard setbacks. The existing deck would now be a second story addition, but keep the same footprint.

Open to Board Professionals

John Ruschke, PE- Clarified that there is no existing grade change to the property.

Jason Kasler, PP- Explained that the applicant’s lot is uniquely shaped and it is difficult to keep within the setbacks.

Open to Board Members

It was discussed that the existing garage would be the same footprint as the new proposed garage. The application has to be slightly modified to show the correct setbacks that would include the steps. The front yard setback was modified from 23ft to 20ft. The driveway would also be extended up to the proposed front porch. Mbr. Fahrer discussed that the 3ft setback is from the structure.

No public questions/ comments

A motion to approve this application was made by Mbr. Moroney, seconded by Mbr. Fahrer and approved by all members of the board.
Sylvia Banga (91 Parks Rd) – The applicant is seeking to construct a pole barn that requires a side yard setback. The lot is an acre long but narrow which makes it difficult to move the barn anywhere else on the property. There is also a septic system on the property that can’t have anything large built on top. The pole barn would be used to store the applicant’s rare cars and landscaping materials. There are 2 sheds on the property, but would be torn down once the pole barn is built. The pole barn would be built behind the existing 1 car garage.

Paul Anderson, PE - Showed A-1 which is a colorized version of the plan. The plan shows the proposed pole barn which would be constructed behind the existing 1 car garage. There would be no proposed driveway to the pole barn. There would be no additional impervious coverage. Exhibit A-2 shows the existing house and oak tree. A-3 is the existing shed that would be torn down once the pole barn is constructed. Exhibit A-4 shows the trees that the applicant is avoiding to be taken down. The size of the pole barn is a permitted use but not in the location the applicant is proposing. The applicant is seeking the variance to put it in a certain location to limit the number of trees to be disturbed and to make it less visible.

Open to Board Professionals

John Ruschke, PE – Expressed concern that there would be no proposed gravel or driveway to the pole barn. There is concern of a drainage issue and the applicant should mitigate any stormwater runoff. The plans should show a proposal of a driveway to be created at a later time. Mr. Ruschke questioned why the applicant can’t move the pole barn over and not have it right to the property line. The applicant stated they would be willing to move it 10ft over, but not too much more to avoid the septic system.

Jason Kasler, PP – Also expressed concern for not having a driveway to the pole barn. Mr. Kasler does state that pole barn would be visible from the street, but not if it was moved to the center of the property. Mr. Anderson stated that if it was in the center of the property it could affect the septic system. It would also require the removal of 3 large trees.

The applicant stated that they would like to keep as much grass as possible on their property and would not be in favor of putting a driveway to the pole barn. It was questioned by Mr. Wiener if this barn would be used for a business. It was stated by the applicant that there would only be electric and not a living space or business run out of this barn. It would store approximately 3 cars and material items.

Mr. Ruschke explained that the proposed barn does slope down and only 3ft of the barn would visible form the street.

Open to Board Members

Mbr. Titze – Questioned if the applicant considered moving the barn to where the existing shed is located. Mr. Anderson explained a mature tree would have to be removed and the applicant is trying to avoid removing any trees.

Mbr. Hong - Questioned if the applicant considered choosing a smaller barn. The applicant stated they wanted the bigger size and that the size of the barn is permitted in that zone.

Mbr. Fahrer - Is in favor of moving the shed over 15ft and prefer to see proof that nothing can be built over a septic system.
Mbr. Fisher- Stated he is in favor if the applicant would be willing to shift the shed over 15 to 25ft and to create a driveway to the barn.

Mbr. Caravaglia- Confirmed with the applicant that there would be no heat or exhaust fumes coming from the barn.

Mbr. Kussoff- Is in favor of moving the barn away from the property line.

Mbr. Wagner- Clarified with Mr. Kasler that the Pole Barn size is permitted within this zone.

Mr. Anderson, PE - Stated that barn could be shifted 10ft and put evergreen trees to create a buffer.

Open to the public for questions

Rosemary Luzzi (19 North Shore Rd)- Speaking on behalf of her father that lives next door to the property. Questioned if the applicant is considering putting up a buffer. Mr. Anderson stated that if the barn is moved over 10ft that a few evergreens could be planted.

Christopher Ford (10 Sunderland Rd.)- Is located in the back of the 91 Parks Rd. Questioned and clarified that the only variance being requested by the applicant is for the side yard.

Open to the public for comments

Leonard Williams (6 Arlington Dr) – Stated he is opposed to the size of the barn and it would affect the view from his property. He would be in favor of moving the barn further away from the property line.

Christopher Ford (10 Sunderland Rd)- Stated he is opposed to the size of this barn.

Rosemary Luzzi (19 North Shore Rd)- Stated that if this application should be approved a buffering of trees would be a condition.

Public portion closed

Break 8:21- 8:29

Sylvia Banga (91 Parks Rd)- Stated that they are willing to move the shed over 10ft and plant evergreen trees along the property line.

Mr. Ruschke, PE- Expressed concern that there was no real engineering proof that building has to be a certain distance from a septic system.

Mbr. Fisher- Questioned if the applicant would consider moving the barn another 10ft. Mrs. Banga stated she would prefer not to have the barn in the middle of their yard.

The conditions on this application are to move the side yard variance from 5ft to 10ft, no living space in the barn and to create a landscaping buffer along the property line. There would be no utilities connected other than electric.

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

AYES- Moroney, Caravaglia, Kussoff, Fahrer, Wagner, Napolitano
NAYES- Fisher
Brianna Kelly (45 Longview Trail)- Owner and applicant of the property. The applicant stated that she would like to create a back yard.

Hank Huelsebuch (500 Openaki Rd) – Sworn in as a professional engineer. Showed Exhibit A1-4 which is a colorized version of the plan. There are no changes to the existing structure. The plans show the limit of disturbance and the trees to be removed. The applicant has stated that they would be planting screening as per Mr. Ruschkes comments. The lower wall would be 100ft and the higher wall would be 135ft. The maximum height of the wall would be 4ft. The applicant is disturbing the steep slope categories of 20-25ft, 25ft-30ft and greater than 30ft. There is no way to avoid steep slopes in this particular lot. The plans also show a soil erosion plan that would be submitted to Morris County Soil. Mr Huelsebuch stated that the applicant would comply with Mr. Ruschkes comments regarding a super silk fence.

Open to Board Professionals

John Ruschke, PE- Made it very clear to the applicant to make sure that the engineer and contractor follow the detailed plans regarding the super silk fence.

Jason Kasler, PP- Questioned if there would be a fence along the wall. It was stated that there is no proposal as of now for a fence, but perhaps in the future.

Keith Bednar- Landscaper on this project. He explained that the backyard would have privacy plants and shrubbery and the only grass would be on the flat parts. There is access to the backyard that doesn’t require going up the walls.

Open to Board Members

Mbr. Caravaglia- Clarified that the applicant is increasing the impervious surface of the property to 390 Sq Ft.

Mbr. Kussoff- Stated that she would be in favor of a fence along the top of the retaining wall for safety purposes.

Mbr. Wagner- Expressed concern for any flooding that might happen with this construction and agreed with Mr. Ruschke to follow the engineering plans.

Mbr. Titze- Questioned how much of the area is being disturbed. Mr. Huelsebuch stated that less than 4000sq ft is being disturbed. The applicant is planning on planting new trees around the property.

Mbr. Fahrer- It was clarified that the existing steps to the lower property would be removed.

Mbr. Napolitano- Clarified that by the patio there would need to be railings around that portion of the retaining walls.

No public questions or comments

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

AYES- Fisher, Moroney, Kussoff, Caravaglia, Fahrer, Wagner, Napolitano
OLD BUSINESS-
Mr. Wiener stated the court has remanded the Zoning Board listen to the Ringo Supply hearing again. It was stated that board would need to approve the application but based on certain conditions. The applicant would still need to be heard by Mountain Lakes. Mr. Wiener stated that under judicial order that the board must approve the application.

A motion to go into Closed Session was made by Mbr. Napolitano and seconded by Mbr. Fisher.

Minutes to be released after litigation is over

A motion to come out of closed session was made by Mbr. Napolitano and seconded by Mbr. Moroney

NEW BUSINESS- NONE

Meeting adjourned at 9:31 PM

Minutes Approved: April 24, 2019 Melissa Unrath, Board Secretary.