Minutes

TOWNSHIP OF DENVILLE
BOARD OF ADJUSTMENT
SPECIAL MEETING
MINUTES

June 26, 2019

The Board of Adjustment of the Township of Denville held a special on Wednesday, June 26, 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: Ed Moroney, Krista Kussoff, Ed Moroney, Christine Hong, Dan Napolitano, Tim Wagner, Harry Fahrer, Adam Caravaglia, Chris Titze
Absent: Tim Fisher

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

MINUTES:
None

PURCHASING:
None

RESOLUTIONS

BA/ PSP/FSP 18-23 Auto Holding Inc
254 Rt 46
Block 51001, Lot 22
There were some questions about the amount of parking spaces currently on site. This resolution was carried to the next meeting.

BA 19-19 Kim Parkins
82 Franklin Rd
Block 41003, Lot 40
A motion to approve this application was made by Mbr. Hong, seconded by Mbr Moroney and approved by all board members.

AYES- Hong, Moroney, Kussoff, Fahrer, Wagner, Napolitano

BA/PSP/FSP 19-21 Denville Union Hill, LLC
3056 Route 10 W
Block 21203, Lot 1
A motion to approve this application was made by Mbr. Hong, seconded by Mbr Moroney and approved by all board members

AYES- Hong, Moroney, Kussoff, Fahrer, Wagner, Napolitano

PUBLIC HEARING

BA 19-11 Lynx Asset Services, LLC
12 Overlook Drive
Block 60902, Lot 11
Application has been carried to July 10th without further notice.
BA 19-11  Gerald Simmons  
30 Lenape Trail  
Block 40909, Lot 24

Jason Rittie, Esq- Representing the applicant.

Gerald Simmons (30 Lenape Tr)- Owner of the property. The applicant is seeking to reconstruct their house and to update it for flood regulations. The house is still proposed to be a 3 bedroom and 2-bathroom house. The house is approximately 100 yrs old and needs repair due to past flooding issues.

No questions from the Board Professionals or Board Members

Fred Stewart (148 Main St) Referenced the 1/3/19 grading plan. The applicant is seeking to remove the existing house with a similar layout. The proposed house would have the garage in front, deck and a covered porch. There will be no change to the grade and the proposed project would be decreasing impervious coverage by 245 Sq. ft. A crawl space is proposed under the house with flood vents. The proposed project did get DEP approval. There would be no net fill.

Open to Board Professionals

John Ruschke, PE- Stated that applicant is in compliance for all flood mitigations required for DEP.

Jason Kasler, PP- Clarified there are no variances required for this application.

Open to Board Members

Mbr. Moroney- Questioned the water runoff from the driveway to Lenape Trail. Mr. Stewart stated there is a catch basin at the end of the driveway to collect the water runoff.

Mbr. Kussoff- Questioned if there was a plan to show the location of the ac condenser unit.

Mbr. Caravaglia- The following setbacks were clarified by Mr. Stewart and changes on the application; 
RYS existing 41.2 ft, proposed 29ft. SYS existing 4.8 ft proposed 5.4 ft, RYS existing 40.8, proposed 50ft.

No public questions.

Jeff McEntee (59 Broadway) The proposed application is to build above the base flood elevation. The proposed house is 1,813sq ft. A total of 3 bedrooms and 2 bathroom. Mr. McEntee referenced a plan A2A which were revised calculations to show the flood vents and elevations. The deck would have steps, but would be built within the setbacks.

Open to Board Professionals.

John Ruschke, PE- Stated that he would be in favor of having the condenser not attached to the house.

Jason Kasler, PP- Clarified that there would be no flood lights.

Open to Board Members

Mbr. Caravaglia- Stated that he is in favor of the proposed size pad.

Mbr. Hong- Questioned if the ac pad was detached from the house what would be the RYS. Mr. McEntee estimated it would be around 4.4ft

Mr. McEntee stated that he would be favorable to attach the HVAC unit to the house.

No questions/ comments
A motion to approve this application to adjust the RYS to allow for the condenser pad was made by Mbr. Moroney, second by Mbr. Kussoff and approved by all members able to vote.

AYES- Moroney, Kussoff, Caravaglia, Fahrer, Wagner, Hong, Napolitano

**BA 19-08**  
Scott and Maria Perry  
67 Lake Rd  
Block 60601, L 113

Scott and Maria Perry (1 Harcourt Terrace)- The existing dwelling is uninhabitable and the applicants are proposing to demolish and rebuild a modest 2 story 3-bedroom house. The proposed house is approximately 2,424 sq. ft. The house is located on a corner lot which gives it 2 front yards. The applicants are proposing a 2-car garage which requires a side yard setback of 25ft.

No questions from the board professionals/ board members/ public

Jeff McEntee (59 Broadway)- Stated in his opinion the existing dwelling would not be feasible to rebuild and would be safer as a tear down. Mr. McEntee referenced the site plan and the proposed layout. There was a revised plan referenced as A2A to show the correct rear yard setback. The proposed height of the dwelling is 27ft. The proposed front yard setback is 25ft where 35ft is required. The proposed rear yard setback is 25.5 ft where 50ft is required. The proposed side yard setback is 16.4 ft where 17ft is required. Mr. McEntee stated the lot is undersize in lot width and depth. The total sq. ft of this property is 10,000 where is the ordinance requires 15,000 sq. ft.

Open to Board Professionals

Jason Kasler, PP- Questioned why the driveway was relocated and Mr. McEntee stated it would be easier for the homeowners to leave the property from Lake Rd instead of Whaleback Waddy. Mr. Kasler was in favor of having the applicant conform to the side yard setback and bringing in the addition slightly.

Open to Board Members

Mbr. Caravaglia- Clarified with the Mr. Ruschke that the dormer attic proposed on the plans is allowed.

Mbr. Hong- Clarified with Mr. McEntee that as of now there is no proposed deck from the side of the house.

Mbr. Fahrer- It was clarified that you can have shrubbery 30 inches within the site triangle of 20ft but this application is 25ft from the corner.

No public questions

Thomas Graham (Dykstra Walker)- Sworn in and testified. The property is undersized and located on a corner lot and it would not be functional to build within the building envelope. The house is located outside the riparian zone of Cooks Pond and would require a permit by rule. The storm sewer lines have been reconstructed to run from the rear of the property around the back and come out to Lake Rd. The property is also across the street from the wetlands and would need DEP approval. The proposed house is disturbing more than 5ft of land and would need a permit from Morris County Soil Erosion and Sediment Control.

Open to Board Professionals

John Ruschke, PE- Stated that the applicant would need a Road Opening Permit. Also, the drainage is private and would be up to the homeowner to be maintained.
Open to Board Members

It was clarified by the board members that drainage is private but would be hooked to the town.

No public questions/comments

A motion to approve this application with all the requested setbacks and applicant must obtain a road opening permit was made by Mbr. Fahrer, seconded by Mbr. Moroney and approved by certain member of the board

AYES- Fahrer, Moroney, Kussoff, Caravaglia, Wagner, Napolitano
NAYES- Hong

Break 8:23:8:32

BA/PSP/FSP 18-32 Norman Dean Home for Services, Inc
16 Righter Ave, 5 Hinchman Ave
Block 50411, Lot 9.01 & 11

Harry Fahrer recused himself from this application

Jason Rittie, Esq- Representing the applicant. Mr. Rittie explained that this property is located within 3 different zones R4, OB1 and B3. The applicant is seeking preliminary, final site plan and use variance. There are a number of site improvements to the property to demolish a single dwelling to add additional parking spaces and landscape. The applicant is proposing to merge the 2 existing lots. The proposal to convert the existing garage to a chapel requiring a Use variance. The applicant is seeking to improve the existing funeral home.

Thomas Dean- (128 Hillcrest Dr) Is the owner of Norman Dean funeral home. The funeral home has been there since 1950s. The applicant is seeking to remove the existing single-family dwelling to add more parking spaces and to create an exit onto Hinchman Ave. Exhibit A1 is a colorized rendering of the site plan. Thomas Dean mentioned that many people are suggesting outdoor services and he would like to accommodate those needs. This would also allow the funeral home to have 2 services for the day, but not at the same time. The existing garage area is proposed to be converted into a chapel. The second floor of the funeral home would then be used as a storage area. The applicant is seeking to construct the improvements in 2 parts. The first phase would be to demolish the single-family dwelling and add the additional parking spaces. The second phase would be to construct the chapel area, but this wouldn’t be constructed for another 2yrs.

Jason Rittie, Esq- Stated that he would like the resolution to reflect that this application would be constructed in 2 phases and might take up to 5yrs to be completed.

Open to Board Professionals

John Ruschke, PE- Questioned the applicant if he would make a condition that he would not have outdoor services at night. Mr. Dean stated that he is willing to make that a condition in the resolution.

Jason Kasler, PP- Clarified with Mr. Dean that there would be no outdoor sound system in the chapel area.

Open to Board Members

Mbr. Hong- Clarified that there would be no more than 1 service held at the same exact time.
Mbr. Titze: Questioned if this applicant would fall under the religious land use law. It was clarified that the proposed chapel is non-denominational and it would not be considered a religious chapel.

Chr. Napolitano – Questioned if the applicant would be willing to put a 5yr cap on the construction of the project. Mr. Dean stated he would be willing to put that as a condition.

No public questions

Steven Smith (310 Rt 10 W)- Sworn in as a professional planner and land surveyor. In the prior 2007 application it merged 2 existing lots. Mr. Smith referenced the existing condition plan and showed the parking spaces that exist on Hewetson Rd, Righter Ave and the rear of lot 11. The prior application from 2007 approved an expansion the funeral home, two family dwelling and 4 residential units. The new application would eliminate the 5 separate structures to 2 structures. The parking spaces would also be increased by 14 spaces. The new parking lot would have curbing and stormwater drainage. There is also an underground detention basin proposed. A new fence and lighting plan are proposed along the north easterly side of the property. The applicant is aware that they would need to apply for a permit to Morris Count Soil. A variance is being requested for a portion of the lights that exceed the foot-candles by .3 Mr Smith stated that the first phase would be everything on the site plan except the addition for the chapel. Also, for the sidewalks leading to the addition, but the curbing would be part of phase 1. Mr. Smith discussed the other variances being requested for this application. The proposed 9 x18 parking spaces require a variance but are similar with the other spaces on the property. The number of spaces proposed are 63 where the ordinance requires 121 spaces. There are pre-existing setbacks that are from the original application that have to be accounted for this application. The Use variance is to construct the chapel in a residential area. The proposed chapel would eliminate 3 additional structures making it more coherent to the property. The addition would be an inherently beneficial use to the public good. The property is located within a 100yr flood zone and would need DEP approval. Mr. Smith stated that he would comply with all the conditions on Mr. Ruschkes memorandum.

Open to Board Professionals

John Ruschke, PE- Clarified that the applicant would need to apply for a Morris County Soil Erosion and Sediment Control permit. Mr. Ruschke expressed that the property abuts a residential area and for the applicant to maintain the landscaping by the stockade fence. It was discussed that ballard lighting was looked at for this application but would not give adequate lighting.

Jason Kasler, PP- It was discussed the there is adequate space for the underpass proposed and is identical to the one already existing. The applicant stated that the garage disposal and recycling is existing next to the building. Mr. Kasler stated legally a chapel would not be an inherently beneficial use.

Open to Board Members

Mbr. Titze- Stated that he is favor of showing the location of snow removal on the site plan. Mr. Titze questioned putting a crosswalk along Hinchman to enter Righter Ave. Mr. Dean stated that he requested that years ago and got denied by the police department. There were discussions on pedestrian walkways around the property. It was stated that the applicant is requiring a waiver for a sidewalk but proposing curbing on all pavement entrances.

Mbr. Caravaglia-- Clarified with Mr. Smith that he would comply with Mr. Ruschkes memorandum. It was discussed that the 6ft solid fence is existing and the applicant would be replacing it.

Mbr. Hong- It was stated that the existing parking would not be re-striped and the new spaces would be the same size as the existing. There are 3 handicap spaces proposed and would be located next to the current single-family residence. It was discussed that moving the telephone pole would not be an option because of the cost and it is a main pole for that area.

Open to the public for questions
Elane Elasalandora (7 Hinchman Ave) – It was questioned and answered the proposed fence would end by the last parking space off of Hinchman. The lighting was also discussed and it was stated that all lighting would be shielded and shut off by 10pm.

Public portion closed

Mr. Moroney made a motion with these certain conditions
- A phase plan would be submitted to show the construction over the next 5 years.
- The outside services would be only for daytime hours.
- A stormwater plan would be submitted to Morris County.
- Lights would be off by 10pm
- Snow removal plan must be submitted

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

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

NAYES- Titze

OLD BUSINESS- NONE
NEW BUSINESS- NONE

Meeting adjourned at 10:24 PM

Minutes Approved: Aug 7,2019  Melissa Unrath, Board Secretary.