

Chairman Schwemmer called the regular Meeting of the Board of Adjustment of August 4, 2010 to order at 7:05 p.m.

MEMBERS PRESENT: Morris Bauer, Felix Graziano, Harvey Ort, Craig Schwemmer, John Turick

Alternate Members: Frank Baguiao, Dorothy Walter

Members Absent: Elliott Averett, Anthony Spina

Others Present: Attorney Fraser, Clerk Kesper, Engineer Hall,

STATEMENT OF COMPLIANCE WITH THE OPEN PUBLIC MEETINGS ACT

- Adequate notice of this meeting was sent to the Observer-Tribune and the Morristown Daily Record on January 12, 2010 and posted on the Bulletin Board on the same date. Notices were mailed as there were requests.

Pledge of Allegiance

MINUTES

1. June 2, 2010 Regular Meeting

Mr. Ort made a motion to approve the minutes, seconded by Mr. Turick; a voice vote was taken; all were in favor and the motion carried.

2. July 7, 2010 Regular Meeting

Mr. Bauer made a motion to approve the minutes, seconded by Mr. Turick; a voice vote was taken; Mrs. Walter, Mr. Ort, Mr. Spina, Mr. Graziano abstained, all others were in favor and the motion carried

RESOLUTIONS

10-15 Gillette – Block 34, Lot 18 - 66 West Valley Brook Road – R-5 Zone – 1.6 Acres – Request for front yard set back and non-conforming lot and structure variance for second floor addition

The resolution was reviewed.

Mr. Turick made a motion to approve the request as presented, seconded by Mr. Baguiao.

A roll call vote was taken:

Ayes: Bauer, Schwemmer, Turick, Baguiao

Nays: None Abstentions: None Absent: Averett

Ineligible: Spina, Ort, Graziano, Walter

10-16 Belen – Block 3.14, Lot 2 – 3 Shadow Hill Way – R-1 Zone –
Request for an improved lot coverage variance

The resolution was reviewed.

Mr. Baguiao made a motion to approve the resolution as presented,
seconded by Mr. Turick.

A roll call vote was taken:

Ayes: Bauer, Schwemmer, Turick, Baguiao

Nays: None Abstentions: None Absent: Averett

Ineligible: Spina, Ort, Graziano, Walter

The meeting was opened to the public for items not on the agenda. There were no comments from the public and the meeting was closed to the public for items not on the agenda.

APPLICATIONS

1. Gordon – 170 Old Turnpike Road – Block 45, Lot 25 – R-20 Zone, .47 Acres – Request for front and side yard setback variance, improved lot coverage variance, and non-conforming lot and structure variance

Allan Gordon, Applicant

Allan Gordon was sworn in by Attorney Fraser.

Mr. Gordon stated that the current house is small, 480 square feet, and that he wants to add an addition and a garage. He stated that he has

talked with the Board of Health and located the septic and field and that he is on a community well.

Mr. Gordan presented two photographs of the home which were marked A-1 and A-2. He stated that he plans to use hardy board on the addition and the garage. He may add some brick to tie it into the house. He explained that the front door faces Roosevelt and the fence faces Old Turnpike Road.

The Board reviewed the elevations submitted with the application.

Mr. Hall reviewed his July 29, 2010 letter and the variances required.

Mr. Gordan stated that he could not put the addition towards Roosevelt Avenue because when you walk in the front door immediately there is the bathroom and kitchen.

Mr. Hall reviewed the setbacks of the zone and that the applicant did not provide the number of feet required for his variance from the Roosevelt front yard and the rear yard.

The board reviewed the plans.

Mr. Gordan asked for a 19' front yard setback from Roosevelt Avenue for the proposed garage.

Mr. Hall stated that the side yard property line variance for the house will maintain the existing 1.1'. The front yard setback for the house will maintain the existing 1.9'. He stated that for the rear yard (Roosevelt Avenue neighbor) will require a rear yard setback for the house of 29' where 35' would be required.

Mrs. Walter reviewed the Health Department letter.

Mr. Hall reviewed the improved lot coverage variance. He stated that the applicant has submitted a drywell plan and calculation but he has not reviewed the calculations.

Mr. Hall referred to comment 5 in his letter regarding corner lot sight triangles.

Mr. Gordan explained that he and his surveyor marked out the road and explained how they did the measurements. He stated that he has trimmed back the bush that shows on the plan as being in the Township right of way. He stated that he would take down the pine tree on his property if it is within the 30' x 30' triangle.

Mr. Hall stated that when the as built survey is done the surveyor should stake out the triangle and he would come out and review it and if more trees needed to come down he would require it at that time.

Mr. Hall reviewed his application comments.

Mr. Gordan stated that there is a six foot stockade fence along the property line of the property where the rear yard setback is required.

Ms. Kesper expressed Mr. Banisch's concerns regarding the architecture of the garage.

The meeting was opened to the public for questions and comments. There were no questions or comments and the meeting was closed to the public.

Mr. Bauer made a motion to approve the variances discussed this evening including Mr. Hall's application comments and Health Department approval. Seconded by Mr. Baguiao.

A roll call vote was taken:

Ayes: Bauer, Ort, Graziano, Schwemmer, Turick, Baguiao, Walter
Nays: None Abstentions: None Absent: Averett, Spina
Ineligible:

2. Holley, John – Block 13, Lot 17 – 20 Jones Lane – 7.65 Acres -
 Request for Extension of Time on prior approval (Resolution 00-12)
 and Soil Disturbance Permit

Robert Melich, Applicant's Attorney
John Holley, Applicant
Gregg Yannaccone, Applicant's Engineer

Mr. Schwemmer stepped down from the application as he is a property owner within 200'.

Gregg Yannaccone and John Holley were sworn in by Attorney Fraser.

Mr. Mielich reviewed the application request for an extension and re-approval of a private road variance that was granted in May 2000 noting that it has expired because construction did not start within one year. He stated that the applicant was aware that a re-approval would include new requirements because of changes to Township ordinances since

2000.

Ms. Fraser read ordinance 111-23 regarding the need for a building permit within one year of the publication of the boards' decision and 217-122 extending a board decision. She noted a new ordinance is the grading from 3 to 1 slope to 2 to 1 slope.

Mr. Yannaccone presented his qualifications to the board and was accepted as a professional engineer.

Mr. Yannaccone referred to the plans submitted to the board. He stated that the applicant is before the board for a private road variance and that the applicant complies with the bulk requirements of the zone. He explained that this property is moderately sloped in the front portion of the lot and has significant slopes in the rear of the property. He explained that the house was set back 100.9' to avoid the steep slopes and minimize disturbance of the lot. He explained that there is no way to access this property from a public road because the surrounding lots are developed and the environmental constraints of the surrounding lands. He stated that he did not take exception to any of the comments in Mr. Hall's letter of July 16, 2010. He stated that the applicant would meet the slope grading requirements and retaining wall heights. He noted that they received a letter from the fire department and the applicant is in compliance with the letter. He stated that the applicant has not decided on installing fire protection sprinklers in the home.

Mr. Yannaccone stated that Jones lane is black topped for 330' and then stoned for 1100' before it reaches this property and this has not changed since the 2000 approval.

Mr. Yannaccone read the Long Valley Fire Department letter of August 3, 2000. He stated that there is a 13' clearance without obstructions from the house to the pool and it was his opinion that this complies with the fire department requirement of 10' drivable space with no walls or obstructions. He stated that the applicant is proposing a pool for the fire fighting water supply and that it is shown on the plan in the back yard. He noted that this would comply with the condition in the previous application (an 18,000 gallon pool or 6000 gallon water storage tank). He answered Mr. Hall that there is a note on the plan indicating the size of the pool.

Mr. Holley stated that the pool on the plan will hold 17,000 gallons of water.

Mr. Hall stated that the applicant should submit a pool gallon calculation for Fire Department approval as well as confirming that

there is no obstruction and at least ten feet of drivable space to the pool.

Mr. Hall answered Mr. Bauer that passing zones have been put in on Jones Lane under previous applications before this board.

Ms. Kesper noted that the applicant had submitted proof that he joined the Jones Lane Homeowners Association.

Mr. Yannaccone addressed the soil disturbance permit for the removal of 1,810 yards soil (approximately 120 trucks). He stated that this was required because of the cuts and fill, pool, and in order not to disturb steep slopes.

Mr. Mielich answered Mr. Hall that the applicant agreed to post \$5000 for repairs of Jones Lane should it be necessary.

Mr. Yannaccone stated that the agreed to comply with Mr. Hall's comments in his letter of July 16, 2010 and will put the requirements as notes on the plan.

Mr. Hall stated that the soil disturbance approval is based on the soil being trucked out of Washington Township.

Mr. Hall referred to Mr. Banisch's letter and the Morris County Soil Conservation District letter. He requested that the applicant apply to Morris County Soil Conservation District.

Mr. Mielich stated the applicant will apply to the Morris County Soil Conservation District for a determination if this application requires their review and if it does, they will submit for their approval.

Mr. Holley stated that he has posted all fees and escrows requested in Mr. Hall's letter of July 16, 2010 and December 2, 2008 except for the \$5,000 road bond.

Ms. Kesper confirmed that she received the requested checks.

Mr. Hall stated that based on the testimony tonight and agreements on what the applicant would do he is satisfied that the applicant has met his requirements. He reminded the applicant that all utilities must be underground.

The meeting was opened to the public for questions and comments. There were no questions or comments and the meeting was closed to the public.

Mr. Baguiao made a motion to approve the application based on the discussions and testimony this evening including compliance with Mr. Hall's letter of July 15, 2010 and fire department approval of the pool location and volume of water for fire fighting purposes. Seconded by Mr. Ort.

Ayes: Bauer, Ort, Graziano, Turick, Baguiao, Walter
Nays: None Abstentions: None Absent: Averett, Spina,
Ineligible: Schwemmer

DISCUSSION - CORRESPONDENCE

1. Vouchers

The vouchers were reviewed. Mrs. Walter made a motion to approve the vouchers reviewed by the Vice Chairman and found in order and send same on for payment. The motion was seconded by Mr. Baguiao. A voice vote was taken; all were in favor and the motion carried.

Mr. Baguiao made a motion to adjourn, seconded by Mrs. Walter. A voice vote was taken; all were in favor and the meeting was adjourned at 9:00 p.m.

Virginia R. Kesper, Clerk