

**MINUTES OF REGULAR ZONING BOARD OF ADJUSTMENT
MEETING HELD ON TUESDAY, JUNE 12, 2018**

Vice Chairman Zapf called to order the regular meeting of the Board and announced the meeting was duly advertised in compliance with the Open Public Meetings Act by notice dated June 4th, 2018 sent to the Daily Record, Suburban Trends and posted on the bulletin board and website at Borough hall. All stood for the Pledge of Allegiance.

PRESENT: ERICKSON, KUBISKY, WOLFSON, ZAPF, DUBOWSKY (ALT. #1) AND ZALEWSKI (ALT. #2)

ALSO PRESENT: OTT, ENGINEER AND GREENE, COUNSEL

ABSENT: BRACCHITTA, *BYRNE AND FOREMAN

Vice Chairman Zapf stated the first order of business is approval of the May 8th, 2018 minutes.

Ms. Ward mentioned the members that can vote on the minutes are Erickson, Kubisky, Wolfson, Zapf, Dubowsky and Zalewski.

Vice Chairman Zapf mentioned I only had two little corrections, on page 2, it says combine twice when it should be combined. I think the computer did that to you but everything else was fine.

Ms. Ward stated I'll correct it.

Vice Chairman Zapf asked anybody else.

Mrs. Kubisky stated no.

Vice Chairman Zapf made the motion to accept the minutes with that one small correction.

Mr. Erickson seconds.

Roll call:

Yes: Zapf, Erickson, Kubisky, Wolfson, Dubowsky (Alt. #1) and Zalewski (Alt. #2)

No: None

Abstain: None

Ms. Ward mentioned they're approved.

Vice Chairman Zapf stated the second order of business is Variance Application #2017-06 and Grading Permit Application #G16-01 by Goran Vucenovic, on property known as Block 46.4, Lot 193 on the municipal tax maps, also known as 225 Susquehanna Avenue. We are considering passing the resolution tonight for memorialization.

Ms. Ward mentioned the members that can vote on the resolution are Erickson, Kubisky, Wolfson and Zapf.

Vice Chairman Zapf asked does anybody want to make the motion.

*Mr. Byrne arrived at the meeting.

Ms. Ward stated and Pat too.

**LINCOLN PARK BOARD OF ADJUSTMENT
RESOLUTION**

**Variance Application #2017-06
Grading Permit Application #G16-01**

WHEREAS, Goran Vucenovic and Sandra Vucenovic (the “Applicants”) have filed an application before the Lincoln Park Zoning Board of Adjustment (the “Board”) with regard to property known as 225 Susquehanna Avenue, Lincoln Park, New Jersey, also identified as Block 46.4, Lot 193 on the official tax maps (the “Property”); and

WHEREAS, all persons located within 200 feet of the Property have been notified according to law and a public hearing was held before the Board on May 8, 2018; and

WHEREAS, based on the hearing and a review of all the testimony and documents submitted in conjunction with the application, the Board makes the following findings of facts:

1. The Property is located in the R-15 zone. The Property is currently improved with a single family dwelling. The Applicant has requested approval to construct an elevated shed (12’x14’) to be constructed on columns, retaining walls, a permanent fence, paver walks, and stairs in the rear of the Property.

2. The Applicant submitted to the Board for its review the following material:

- i. Standard Development Application;
- ii. Lincoln Park Standard Development Application bearing the notarized signature of the applicant, dated August 11, 2016 (Section 17-82.1 A. of the Borough Code);
- iii. Checklist for General Information (Section 17-82.1. B. of the Borough Code);
- iv. Checklist for Grading Permits (Section 17-82.1. L. of the Borough Code);
- v. A copy of a subdivision map approved by the Lincoln Park Planning Board, prepared by William F. Zimmerly, P.L.S., dated February 4, 2003, revised through March 20, 2003 (Morris County Map #5760, recorded September 18, 2003);
- vi. A corrective deed concerning the subject property, recording in Morris County Deed Book #5960, Page #273, on November 18, 2003;
- vii. A property survey of existing conditions, with partial topography, prepared by William F. Zimmerly, P.L.S., dated July 27, 2015, bearing two (2) revisions through August 30, 2017;
- viii. Concrete Block Retaining Wall, Foundation Analysis and Design Report, prepared by AWZ Engineering, Inc., dated May 16, 2016;
- ix. Stormwater Management Report, prepared by AWZ Engineering, Inc., dated March 29, 2017; and,
- x. Lot development plan, prepared by AWZ Engineering, Inc., consisting of the following:
 - a. Sheet #1, dated August 13, 2015, bearing one (1) revision on January 15, 2018;

- b. Sheet #2, dated August 13, 2015, bearing two (2) revisions through January 15, 2018;
 - c. Sheet #3, dated August 13, 2015, bearing no revisions;
- and,
- d. Sheet #4, dated May 16, 2016, bearing no revisions.

3. The Applicant testified at the hearing. The Property is a corner lot and thus has two front yards, two side yards and no backyard for zoning purposes. There are currently no bulk variances affecting the Property.

4. The proposed shed requires a variance to permit a side yard setback no less than five (5) feet where a minimum of ten (10) feet is required. While the proposed wall is conforming at less than six (6) feet high, a permanent fence will be installed on the wall and the combined height will be 9.75 feet where a maximum of six (6) feet is permitted. As a result, a variance is required from Section 28-197 of the Borough Code. Further, the grading associated with the proposed shed and walls requires steep slope variances to permit disturbances beyond the maximum permitted by Section 17-195 of the Borough Code. Variances are required to permit disturbances to the following ranges of slopes: (i) slopes between 15.00%-19.90%, to permit 662.36 square feet of disturbance where a maximum of 381.95 square feet is permitted, and (ii) slopes greater than 25%, to permit 921.08 square feet of disturbance where no disturbance is permitted.

5. During the hearing, the Board Engineer reviewed its report dated May 1, 2018 and the Applicant agreed to all of the requirements set forth therein.

6. No members of the public testified during the public portion of the hearing.

7. The Board concluded after reviewing all of the testimony, exhibits submitted and documents included with the application, that by reason of the exceptional narrowness, slope and/or configuration of the Property, the strict enforcement of the provisions of the ordinances would result in exceptional and undue hardship upon the Applicant. Further, the Board has concluded that this relief can be granted without substantial detriment to the public good and without substantial impairment to the intent and purpose of the zone plan and zoning ordinance.

8. The application is consistent with the intent and plan of the zoning ordinances of the Borough of Lincoln Park and will not adversely impact the neighborhood or surrounding properties.

NOW, THEREFORE, BE IT RESOLVED, that based upon the testimony and facts as found above, the Lincoln Park Zoning Board of Adjustment does hereby grant the application

and the requested variances on the following terms and conditions:

1. This Resolution is subject to any comments offered by the Borough's Engineer and Construction Official on the application and the plans. The Applicant shall comply with any requirements imposed by the Borough's Engineer and Construction Official with respect to this application or the plans.
2. The Applicant shall revise the plans in accordance with the comments set forth in the Board Engineer's report dated May 1, 2018. The revised plans shall be subject to the review and approval of the Board Engineer.
3. All construction work at the Property shall comply with the requirements set forth in the Board Engineer's report dated May 1, 2018.
4. The Applicant is hereby notified of the following Borough code that is incorporated into this Resolution:

Section 17-38. EXPIRATION OF VARIANCE:

Any variance from the terms of the Zoning Ordinance hereafter granted by the Board of Adjustment permitting the erection or alteration of any structure or structures, or permitting a specified use of any premises shall expire by limitation unless such construction or alteration shall have been actually commenced on each and every structure permitted by said variance, or unless such permitted use has actually been commenced within one year from the date of entry of the judgment or determination of the Board of Adjustment; except however, that the running of the period of limitation herein provided shall be tolled from the date of filing an appeal from the decision of the Board of Adjustment to the Governing Body, or to a court of competent jurisdiction, until the termination in any manner of such appeal or proceeding; except further in the case of a variance which also involves a subdivision or site plan approval, the variance shall extend for the full period of preliminary or final approval or any extensions thereof pursuant to the Act.

5. Before a Certificate of Occupancy may be issued, the Applicant shall record a deed with the Morris County Clerk's Office which shall include a mapped description of the limits of the steep sloped areas, together with a bold print notice that no land disturbance or other activity may be undertaken therein, except in conformance with the requirements of Section 17-195 of the Borough Code. The deed shall be subject to the Board's attorney review and approval.

6. Before a Certificate of Occupancy may be issued, the Applicant must submit four (4) copies of an as-built topographic survey as well as the Borough's Project Completion Report, signed and sealed by the Applicant's surveyor. Any remaining balance in the Applicant's escrow account will not be returned until the Project Completion Report has been properly submitted. The Applicant must submit to the Board Secretary a status report from the Borough Finance Officer confirming that all Borough fees for the Property and this application are current.

7. All other rules and regulations of any governmental agency having jurisdiction over the Property shall be complied with, including but not limited to the payment of all taxes, water and sewer charges and application fees and/or charges. No alteration of any construction plans submitted with this application and on file with the Board shall be permitted without the Board's prior written approval.

Mrs. Kubisky made the motion to accept the resolution.

Vice Chairman Zapf asked is there a second.

Mr. Erickson seconds.

Roll call:

Yes: Kubisky, Erickson, Byrne, Wolfson and Zapf

No: None

Abstain: None

Ms. Ward stated okay it is approved. We did the minutes and the resolution.

Mr. Zapf mentioned we are on #3.

Chairman Byrne stated okay. Next is Variance Application #2017-05 (bulk) and Grading Permit #G17-02 by Artur Merkaj, on property known as Block 36, Lot 24 on the municipal tax map, also known as 70 Mountain Heights Avenue (complete 5/22/18 decision by 9/19/18). This is a public hearing.

Ms. Greene stated we will need names and addresses and then I'll swear you in.

Mr. Khan stated my name is Adnan Khan, AWZ Engineering.

Ms. Greene asked him to spell his last name.

Mr. Khan stated K-h-a-n, 150 River Road, Montville, NJ.

Ms. Green stated okay and you sir.

Mr. Corso stated Steven Corso, architect, 676 Bloomfield Avenue, Bloomfield, NJ.

Ms. Greene asked will you be testifying sir.

Mr. Merkaj stated yes.

Ms. Greene asked and your name.

Mr. Merkaj stated Artur Merkaj, 36 Grandview Avenue, Lincoln Park, NJ.

Ms. Greene swore them all in as a group.

Chairman Byrne asked for a quick overview of the project.

Mr. Khan testified sure. The property we are representing today, 70 Mountain Heights Avenue, Block 36, Lot 24 is in an R-15 residential zone. In the zone, single family and two-family dwellings are a permitted use.

The applicant is proposing a duplex, a two-family dwelling on the lot. The requirement is 15,000

sq. ft. and this particular lot is an oversized lot of 18,219 sq. ft. The requirement for a two family is 22,500 sq. ft. which I believe is a pre-existing nonconformity for the two family where it would conform to a one family.

The other nonconformity is the lot frontage where 100 feet is required for a one family and 130 for a two family, whereas the lot is currently 90.37 sq. ft. so it is also a pre-existing nonconformity.

Chairman Byrne stated okay.

Mr. Khan testified the other bulk variance that the applicant is seeking here is the side yard. We conform to all the requirements except for the side yard. The side yard requirements for a two family is 25 feet and what the applicant is proposing is 17.71 feet on either side of the dwelling.

I'm going to go quickly over to Sheet 02 which is our site plan. It pretty much depicts the layout of the house and, of course, we have the architect and he is going to go over the internal layout of the house. The way the house is it's a little over 40 feet back and again it is a duplex and each unit has its own driveway. It is a 20 foot-wide driveway and a one-car garage. The driveways are wide enough that they can accommodate at least 3 or 4 cars on each side.

The existing grades of the topography of the site is like a high point from south to north which is from Mountain Heights Avenue towards the rear of the property. The high point is at Mountain Heights and it is a drop off of like about 30 feet towards the rear of the property.

What we are proposing is a duplex with a driveway, and we are also proposing some stormwater management improvements. Currently nothing exists on the site as far as stormwater, and what we are proposing is dry wells for each house and that will contain all the runoff from the roof into the dry well system. It is going to make things better as far as the stormwater runoff when compared to the current existing conditions.

One other point, the impervious coverage we are proposing is smaller than what is there today. On the lot there is an existing dwelling, a detached garage and a big shed in the back. What the applicant is trying to do here is remove all the structures on the property and he is going to have these duplex units that will be a considerable reduction in the impervious coverage from the existing, so even though we are reducing the impervious coverage we are still providing stormwater management.

We are also providing some landscaping along the property in the back and we also show some typical residential type lighting on the garages in the front and the walkout basement in the back, like typical residential fixtures with no intensity illumination that can impact the neighbors in any shape or form. That's pretty much it as far as what we are proposing.

Chairman Byrne stated okay.

Mr. Khan asked if there are any questions I'll take them.

Chairman Byrne stated so it is a two-story duplex and one-car garage for each unit right? Are the pits in front of the house is that what is depicted?

Mr. Khan testified the seepage pits are in the rear.

Chairman Byrne asked where are they. There are 3 variances; side yard and frontage, and what was the other?

Mr. Khan testified and the lot area. Two are pre-existing and one is a new variance.

Chairman Byrne asked does anyone have any questions. I want to go through Tom's report.

Mr. Wolfson asked besides the garage for parking, how much other additional parking is there going to be for vehicles.

Mr. Khan testified the driveway can accommodate 4 cars each so basically 4 on each side. It is

20 feet wide for each unit so we can have 4 cars side by side on each lot, each unit besides the garage.

Mr. Merkaj testified that was your concern.

Mr. Zapf stated yes, when Mr. Merkaj was here two months ago, my first site visit up there there was a pickup truck parked a little farther up the hill and they were picking up branches and literally I had to make a U-turn to back down the hill to go back out to 202 because the road is so narrow. Someone did a beautiful job of putting paver stones along the curbing up there so that if it is snowing or something, you can't even pull two tires of your car onto the lawn so parking is critical.

Mr. Khan testified I think we have enough ample parking.

Mr. Zapf stated off the road yes.

Chairman Byrne asked any other questions.

Mr. Ott stated just a couple of questions. You've reviewed the technical comments in the letter?

Mr. Khan testified yes we did.

Mr. Ott stated there are some kind of comments regarding contouring and grading and so forth, as well as the other minor items such as light fixtures which you had said was a residential one. Do you have any other comments related to the letter or are these items fine and you are willing to comply with them?

Mr. Khan testified I don't see any issue with any of the items and I believe that we will be able to comply with them all.

Mr. Ott stated okay especially about the grading. The concern that we had was the water runoff into the driveway over the mulch. There is a very small mulch strip and it appears that some of the grading would trap water in the corner on the right step area over there, do you have any solution on how to mitigate that?

Mr. Khan testified actually what we have is like trench drains, like what we are proposing and we will look at the drains and if we need to adjust some of the grades to make sure all the water runoff will end up into the trench drains which leads into the dry well system, we'll do.

Mr. Ott stated okay. There was another comment that we had regarding the right side of the dwelling toward the property line on the right side, some of the grading contours look like it may push the water off to the adjacent property owner and is there any thought on how you guys would mitigate that?

Mr. Khan testified we can probably create like a swale, like a swale like affect, currently the runoff is going towards the rear and the side. What we are doing is taking the bulk of the runoff from the roof area and the driveway also and directing that into the seepage pits. So what we can do is we can look at the grading and make some kind of like a swale so it will pretty much follow the existing contours.

Mr. Ott stated now I know you had indicated the bulk variances that you were asking for but there are a couple of other little variances that you will need as well. One is regarding the height of the fence that you are proposing, as well as the offset of the wall to the property line and so forth.

Mr. Khan testified yes actually we have a four foot wall on the eastern side of the property and there is a 4 foot high fence on top of the wall, so that is creating a design waiver so that is what we are seeking. We have listed the three items on the plan as well, but those are the waivers we are seeking in addition to the bulk variances.

Mr. Ott stated because it is a four foot wall you are going to have to generate structural calculations to prove stability and so forth.

Mr. Khan testified we can do that no problem.

Mr. Ott stated and there are other little minor comments related to, including inspection reports on the seepage pits, as well as the header pipes for your underdrains.

Mr. Khan testified we will address them.

Mr. Ott stated I have no further questions at this time Mr. Chairman.

Chairman Byrne asked can we just go through the technical comments real quick each one. I think you just addressed comment 1.

Mr. Ott stated sure. In technical comment #1 we discussed about the mulch landscaped area between the driveways and the applicant is going to rework that and grade the area out as needed to mitigate that.

That leads into Item #2 where it appeared that the current grading on the plan showed that it would trap water up against a set of steps and the applicant's engineer had indicated that they would be willing to adjust that.

Item #3 we didn't talk about, but I am assuming Mr. Khan would evaluate the size of the trench drain opening to make sure that they are adequate to capture the runoff?

Mr. Khan testified yes.

Mr. Ott mentioned in my last discussion with the trench drain detail showing the header pipes, there was probably a discrepancy on the plans, he had shown a 6 inch pipe going into a 4 inch pipe but Mr. Khan indicated he would coordinate that.

Item #5 relates to the retaining wall with the fence on it. Since it is 4 feet high our office would need to review the structural stability for safety, so the applicant's engineer had indicated that he would be willing to submit those calculations. That would also then include any other details too. Mr. Khan related to the Allan Block wall that you called out in Item #6, so some details will need to be provided for the geogrid lengths, insulation and so forth.

Item #7 on the right side of the property there are some contours that appear to cause runoff to head towards the adjacent property, but it was kind of stated that he would be willing to put some sort of swale or some other type of mitigation measure to mitigate that.

Mr. Khan testified that's correct.

Mr. Ott stated Item #8 there was a question. There was a Regatta light cut sheet provided in the last go around submission to our office which is a different light fixture than what was shown on the plans. Can you clarify which one will be used?

Mr. Khan testified the one on the plans that is the one we are going by.

Mr. Ott stated so the Regatta light cut sheet is no longer valid.

Mr. Khan testified no.

Mr. Ott stated Item #9 was related to inspection reports which is a mandatory New Jersey stormwater management rule requirement for inspection ports on seepage pits which I believe Mr. Khan indicated would be no problem.

There is a detail for the water service Item #10. We typically show a 6 inch bed of machine processed sand and 12 inches above the copper tubing, this helps with people locating where the line is later on if anything happens.

Mr. Khan testified that's a (inaudible).

Mr. Ott stated Item #11 has Lincoln Park Department of Public Works reviewed the trenching

details that you've shown on the plans?

Mr. Khan testified the plans were submitted and I believe it was handed to them but we never received any comments from them.

Ms. Ward mentioned Tom, you have the prongs but I don't know if there is a response from the Water/Sewer Department.

Mr. Ott stated I'll take a look.

Items 12 through 20 are typical boiler plate items. If you'd like Mr. Chairman, I can go through each one.

Chairman Byrne stated no.

Mr. Ott stated okay and thus ends my item by item response.

Chairman Byrne asked anyone from the Board have any questions.

Mr. Zapf mentioned on your plan, I assume this house is going to have central air conditioning and I don't know whether that is going to be tied in with the heating. There are many pages here but where are the outside portions of any central air units going to be because I'm just concerned about the house that is down the hill and noise.

Mr. Khan testified currently I don't think we are showing it on our plan the location of the AC unit, but we have room in the rear like by the walkout basement door. The architect can explain.

Ms. Ward mentioned it would have to be in the rear because they do not have enough room on the sides.

Mr. Zapf stated exactly but it is not on here. Some people put them on the side of the house.

Ms. Ward mentioned right, if they've got the room but they don't.

Mr. Khan testified we have room in the back and we can put it there.

Mr. Zapf stated my other question is that little house that is there now has been there a long time. The house that use to be on the side property to the east was much farther down the hill and there is a larger house there now. I would be just concerned and it has been raised already, but water flowing off the hill when we have a bad storm or something that it is just not impacting that house that is right there, and I think you've agreed at this point that any concerns that are raised in the engineering report you'll look at and making sure that there isn't runoff to that house. I don't know whether it is a basement or slab?

When we had Hurricane Irene, we had a lot of damage on the hill from houses up and down from them and they had flooded basements which you don't expect on a hill, but because of our topography in this town that very easily happens. Next door that is relatively a new house so I would just make a special point to make sure there isn't an impact to them.

Mr. Khan testified we'll take a look at it and if we need to, we can always put like a yard inlet kind of a thing and direct that water also towards the seepage pit. There are ways we can handle that.

Mr. Zapf thanked him.

Chairman Byrne asked how large are the seepage pits.

Mr. Khan testified it is about 3,500 gallons.

Chairman Byrne asked each one.

Mr. Khan testified each.

Chairman Byrne stated okay, thank you.

Mr. Khan testified collectively it comes out to be about 8,000 gallons between the two.

Chairman Byrne stated excellent.

Mr. Zalewski asked what type of fill are you going to put around these tanks.

Mr. Khan testified stone. It is required to put stone around them.

Mr. Zalewski asked how far out.

Mr. Khan testified 12 inches, at least a minimum of 12 inches wrapped in a filter fabric.

Mr. Zalewski asked that will be enough.

Mr. Khan testified yeah because the main storage comes from the dry well itself. The stone is there like to protect so you can take like only 40% credit for the storm so that is why we are proposing a dry well because you can store a lot of water in the empty dry well so that is where most of our storage is coming from.

Chairman Byrne asked anyone else have a question. I'll open it up to the public. Is there anyone from the public who would like to speak?

Mr. Leeds stated Stephen Leeds, 69 Mountain Heights Avenue, I'm across the street. There is an existing driveway, an old garage and a storage building behind that, what is going to happen to that when this is done?

Mr. Khan testified everything is being taken down.

Mr. Leeds asked it is going to be demolished.

Mr. Khan testified all the structures will be removed yes.

Mr. Leeds thanked him.

Chairman Byrne thanked Mr. Leeds.

Mr. Leeds stated I went to the office and saw the plans and I would like that to be noted on the plan itself and not just noted in the resolution that that all is going to be demolished.

Mr. Khan testified we have noted it on the plan.

Mr. Leeds stated okay great, thank you.

Chairman Byrne asked anyone else from the public.

Mr. Gajdek stated I'm Rich Gajdek and my aunt formerly lived to the left of the house on Mountain Heights Avenue. I heard that the degree of impervious is going to be less but according to the letter we got it is supposed to go up and I'm just trying to understand that's all.

Mr. Khan testified actually it is going to be less and I can tell you exactly. Currently the lot coverage is 27.48% where what we are proposing is 21.93% so it is about at least 5% less of the total area of the lot which is definitely less. I don't know what the notice says.

Mr. Gajdek stated oh I understand.

Ms. Ward asked may I have the spelling of your last name for the record.

Mr. Gajdek stated G-a-j-d-e-k.

Ms. Ward thanked him.

Chairman Byrne stated just for the record I think it has to be at 30% or below for a two family as a requirement so we are well below it.

Mr. Gajdek stated okay thank you.

Chairman Byrne asked anyone else from the public.

Mrs. Leeds stated I'm Susan Leeds at 69 Mountain Heights Avenue. I have two questions. I just want to make sure I understand correctly. The driveways are side by side in the front and each driveway will hold 4 cars but our concern is backing out of our driveway.

Mr. Khan testified you are correct. I can tell you the dimensions how long these are. The driveway for each unit is 20 feet wide and 40 feet long, so an average car is about 16 feet long and 6 ½ to 7 feet wide so it can hold 4 cars on each driveway. It would be a total of 8 cars on the driveways plus 2 two car garages so you are talking about like 10 cars.

Mrs. Leeds mentioned so essentially the whole front yard will be driveway with a little mulch in between the two driveways?

Mr. Khan testified no, but you will still have the green area on the sides.

Mrs. Leeds asked there will be enough.

Mr. Khan testified there is enough. On the left hand side which is the western side, you'll have about 25 feet because the lot width is about 130 so we have about 25 feet on the left hand side and you'll have about approximately 20/22 feet on the right hand side.

Mrs. Leeds stated okay thank you. My second question is will you have to blast?

Mr. Khan testified we are not anticipating any blasting.

Mrs. Leeds stated okay, thank you.

Chairman Byrne asked anyone else from the public. Okay we will close the public portion.

Anyone from the Board have questions for the applicant? Do you want to come up and give us an overview?

Mr. Corso testified sure. The design of the building, the two-family house is side by side so it is two townhouses connected. The front of the building has several peaks and has different volumes which is nice to be able to fit into the neighborhood. There is a front porch for each unit. You go up a few steps and you enter into a living room; and the first floor for each unit is a living room, dining room, family room, kitchen, powder room, closet, stairway and a garage on the first floor. It is a single-car garage with a large driveway in the front.

Upstairs on the second floor we have 3 bedrooms and two baths; there is a master bedroom in the rear with its own nice master bath, a common bathroom that services two bedrooms. Each of the secondary bedrooms has a nice size closet and the master bedroom has two closets. The master bedroom functions to the back and it is nice for the master to have a view of the backyard for the kids playing in the back, it is a nice large backyard. The building has lots of windows, lots of light and air.

One of the things about the width of the building is we made it just the right size to give them substantial room sizes but not oversized because we knew that the lot was undersized and we didn't want to encroach too much. One thing about that side yard requirement it's measured to the closest part. That 19 foot side yard is actually to a very small section of the side of the building that section is only 11 feet wide. So the part that actually encroaches the most is only 11 feet wide and the rest of the building is 22 feet to the side yard, so that part only really encroaches 3 feet so it is really a very de minimis side yard variance. The other thing about that side yard variance is that the depth of the building is about 39 feet and the depth of the lot is 200 feet so the whole building is only a small portion of the lot, so that too, in my opinion, is a small variance.

The other thing about the application is that the aesthetics of the new building is much better than what we are replacing. It is a small old sort of a house and this is the garage.

Ms. Ward mentioned we'll need those marked as exhibits.

Mr. Corso testified the existing buildings on the property, if you saw the chart, it had quite a few violations. It had an existing side yard of 14 feet I believe.

Ms. Ward asked Mr. Corso would you please mark those pictures as exhibits.

Mr. Corso testified sure.

Ms. Ward mentioned Exhibit A-1 with today's date. We don't need the architectural plans marked as we have them it is just the pictures.

Mr. Corso testified sure.

Ms. Ward stated we don't have that in record. Is it one photo or two photos?

Mr. Corso testified two photos.

Ms. Ward stated Exhibit A-1 and then Exhibit A-2 please with today's date.

Mr. Merkaj testified that is the garage that the gentleman was concerned about.

Mr. Corso testified the existing side yard is 14 feet where 25 feet is required. The existing lot coverage is 27% where 25% is required. The existing accessory building is 69.35 sq. ft. where 200 square feet is allowed. The existing front yard is 23.96 feet where 40 feet is required, so we are eliminating a lot of existing variances. We are only asking for a de minimis side yard variance and we are putting in two substantial townhouse units making up the two-family house.

Chairman Byrne asked how tall is the basement.

Mr. Corso testified it has an 8 foot length foot and 10 foot first floor.

Chairman Byrne stated so just to clarify, there are three variances listed on the plans that you have and then you said there was an additional variance.

Mr. Ott stated there are a couple of more additional ones, mostly related to the wall and the fence. There is a retaining wall and fence on the right side of the driveway and they would also require a steep slope variance for disturbing some areas that are between 15 and 19.9% and 50%.

Chairman Byrne asked how much was the slope. I'm sorry, anything over 14?

Mr. Ott stated yeah they are disturbing 89% of the steep slopes that are between 15 and 19.9% and that's where only 50% is permitted, and then they are disturbing an additional 1,863 square feet of steep slopes in an area of 25% or greater where zero is permitted.

Chairman Byrne stated so normally when you disturb it, isn't there a remediation you have to do in order to make up for the disturbance? Runoff that you have to concern yourself with?

Mr. Ott stated perhaps the engineer can speak to that. The site plan was reviewed by Morris County Soil Conservation District but I'll let the applicant's engineer speak to that.

Chairman Byrne stated I thought you had to do some sort of planting and take into account the extra runoff or something like that? I'm not well versed in that.

Mr. Khan testified you are correct and that is part of the soil erosion permit. We did submit it and we got approval and we have the permit already.

Mr. Ott stated yes they have it.

Chairman Byrne mentioned all right. I don't know if we need to put that in the resolution.

Ms. Ward stated we do have the approval in our file.

Recording system malfunctioned stopped recording the meeting at this point.

Chairman Byrne asked any Board members have any questions of the architect. I'll open it up to the public. Is there anyone from the public who would like to speak? I'll close the public hearing.

Anyone from the Board have any more questions.

Mr. Zapf mentioned Mr. Leeds asked for assurances from the property owner and the architect that the construction vehicles would not be blocking their driveway and Mr. Merkaji said they were going to make sure that there were no issues on Mountain Heights Avenue.

Second of all, the third floor looks very spacious and we need a deed restriction that in the future the third floor would not be converted to living space. The architect said it only had pull downstairs but pull downstairs can very easily be removed and stairs can be put in there, especially with the height of the roof line they can put two more bedrooms up over each unit and that needs to be prohibited in the future and they agreed to that. That needs to be put in the resolution.

Chairman Byrne stated I also asked about the heating and air conditioning units being up in that space and I believe they said they were.

Mr. Zapf mentioned but you can remove that and turn that into rooms.

Chairman Byrne asked any more comments or questions from the Board. I'll open it up to the public for comments. Seeing no one from the public, the public hearing is closed.

Does someone want to make a motion?

Mr. Zapf made the motion to approve with the comments as noted.

Mr. Dubowsky seconds.

Ms. Ward mentioned we will need 8 revised plans. When the project is completed, we will also need a project completion and 4 as-built surveys for review and approval by our engineer.

Roll call:

Yes: Zapf, Dubowsky (Alt. #1), Byrne, Erickson, Kubisky, Wolfson and Zalewski (Alt. #2)

No: None

Abstain: None

Mr. Khan and Mr. Corso thanked the Board

Mr. Merkaj thanked the Board too.

Ms. Ward mentioned the resolution will be scheduled for adoption at the July 10th meeting.

Chairman Byrne asked any other business to come before the Board.

Ms. Ward stated I have nothing else. Just a reminder, make sure you've completed the DEP stormwater course before July 1st, 2018.

Meeting adjourned 8.02 P.M.

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Respectfully submitted:

Joan Ward, Secretary

Patrick Byrne, Chairman