

REGULAR MEETING

Salute to Flag:

OPENING STATEMENT:

This is the Regular Meeting of the Wanaque Board of Adjustment and adequate notice has been given and it has been duly advertised by the placement of a notice in the Herald News and the Suburban Trends on January 15, 2014 and a notice thereof has been posted on the bulletin board in the Municipal Building in the Borough of Wanaque and a copy thereof has been on file with the Borough Clerk

ROLL CALL: Chairman Jack Dunning, Vice Chairman Bruce Grygus, Members Frank Covelli, Donald Ludwig, Michael Levine, Suzanne Henderson, Attorney Ronald Mondello and Engineer Christopher Nash

MEMBERS ABSENT: Members Joseph D'Alessio, Peter Hoffman and James Minogue

Application #ZBA-2014-02 – Kevin Blanchard, Applicant, 4 Park Avenue, Haskell, NJ, Block 443, Lot 6

Joseph J. Ragno, Jr., Esq., of Struble Ragno, Riverdale, New Jersey
Attorney for Applicant

Attorney Mondello reviewed the application and in particular the Notice of Publication in the Herald News along with the Notice sent to residents within 200' and would deem the application complete. Jurisdiction is vested in the Zoning Board to hear the application.

Attorney Ragno stated that the property is presently used as a single-family dwelling on a residential lot in a residential zone. We propose to redevelop the building, but the proposed use will still be a single-family dwelling redeveloped on a single-family lot in a residential zone so it is a conforming use to your zone. We are not seeking a Use Variance, but are looking for Bulk Variances. Except for rear yard setback, in some way or another all of the variances that we are looking for really exist on this property. We submit to you that the proposed development will either leave undisturbed or improved almost all of the conditions that we will be discussing. The rear yard setback will be slightly diminished but I would suggest to you that the benefit of doing that is that the garage, which is presently located in the back left corner, will be removed and that will actually open the lot and make the lot a nicer lot with more green space.

I intend to call three witnesses. The first witness will be Kevin Blanchard, who is the owner/applicant and resident at 4 Park Avenue. I will also call Yogesh Mistry, who is an architect. I will elicit no direct testimony from him other than to show you the plan and allow you to question anything you want about architectural. I will also call Kenneth Dykstra, who is an engineer and also a planner, who will testify with respect to the planning issues on the property and with respect to the engineering issues, including responding to the concerns of the Board's Engineer.

Attorney Mondello swore in Kevin Blanchard, 4 Park Avenue, Haskell, NJ

Mr. Blanchard testified that he purchased the property and has lived in the property since approximately July 2009. If my application is approved, the property will still be used as a single-family dwelling. The lot sizes in my neighborhood generally are pretty small. A couple of our neighbors have recently decided to build a second floor onto their homes, which I believe has been beneficial for the neighborhood. We are at the end of the street, which is very a quiet location. All our neighbors are pretty close to us and there is no land that I know of that is available on adjacent properties, since all the lots are small.

Attorney Mondello questioned why the applicant wants to do this? Mr. Blanchard stated he is married and has two little ones at home and right now it is a two-bedroom house. We have a living room and family room and we are kind of using our family room as a make shift bedroom. My family has expanded, but the house has not so that represents some unique challenges for us.

Chairman Dunning questioned the building of handicap ramps in the front and rear. Is there a handicapped person in the family? Mr. Blanchard stated he has done housing development for a while and I am a big advocate of universal design and just making sure that, even if it is not for us, it will be for the future generations. My parents are getting older and they are going through the same problem where they are having trouble finding handicapped accessible dwellings, so this is something I firmly believe in and that is why we are putting them in. Also, if we were to sell the house, we would have an open market to anyone. I have also set up the interior of the house with handicap accessibility in all the rooms.

Member Levine questioned if his parents need the handicap ramp? Mr. Blanchard stated my parents are not going to live with us; however, mother-in-law does presently use a cane and walker.

Member Covelli confirmed that there is no garage proposed for this improvement? Mr. Blanchard stated "correct". In fact, the garage that is presently there is being removed. Member Covelli also commented that you are widening the paved driveway so you plan on accommodating the parking of the family on the driveway. Mr. Blanchard stated "correct".

Chairman Dunning stated that the Ordinance on a single-family calls for two parking spaces. Attorney Ragno stated there are two provided and Mr. Blanchard stated that is why we are widening the section of paved driveway.

Chairman Dunning, referring to the Board Engineer's report, stated that there is a tree next door on your neighbor's property and it looks like it is about 90% dead, but the construction could also weaken the tree and root system. How do you plan on dealing with that since if that tree falls, it is going to crunch your new house? Mr. Blanchard stated he has not had any discussions with the neighbor yet, but is going to have to. Attorney Ragno stated that the problem is we cannot touch a tree that is not on our property.

Chairman Dunning believes if your variances are granted, this tree is an issue and you should think about it before construction since it could do a lot of damage if it falls. Mr. Blanchard agreed and stated they are going to try and salvage the one tree all the way in the back of the property.

Chairman Dunning questioned, since you are removing the garage, do you have any intention of putting a shed up on this property? Mr. Blanchard stated "no".

Attorney Mondello stated that page 2 of the Board Engineer's report indicated the site plan indicates fence encroachments exist along the sides and rear of the property. Engineer Dykstra's comment was that the existing fences could be adjusted if required although the encroachments are minor in nature. I do not know what the Board's pleasure is or what Mr. Blanchard had in mind. If the Board were to decide that it should be re-adjusted, I do believe that would be a reasonable condition imposed upon the applicant.

Vice Chairman Grygus stated we cannot grant him approval to encroach on his neighbor's property, but we could ask him to remove it or fix it.

Member Levine questioned how long the fence has been up? Mr. Blanchard stated it was up before we moved in July, 2009 and the previous owner lived there about 30/40 years.

Attorney Rago stated that over the years, the different surveys could be off also.

Engineer Nash stated that was the point of my comment since now we are at a good point to clean these matters up.

Attorney Mondello swore in Kenneth D. Dykstra, 21 Bowling Green Parkway, Jefferson, NJ. I have a Civil Engineer Degree and an MBA both from Rutgers in 1982 and 1983 respectively and I have been basically practicing in the field of engineering, surveying and planning for 30 years. I have three licenses: New Jersey Planning, Engineering and Land Surveying. I have testified on many occasions before Planning Boards, Boards of Adjustment and Courts in Passaic County (West Milford), Bergen County (Englewood Cliffs, Franklin Lakes), Morris County (Rockaway, Denville) and in almost every town in Sussex County.

Attorney Mondello questioned if the Planning Certificate was a result of being grandfathered in or did you have to take a separate course?

Engineer Dykstra stated he is a grandfathered planner.

The Board accepts Engineer Dykstra as an expert in the field of engineering and planning.

Engineer Dykstra stated, from a planning prospect, we have a property that is located in an R-10 Zone. However, this neighborhood was basically developed probably as a 5,000 square foot zone and actually the original filed map showed 25' x 100' lots. Many of them were double lots so the average lots on this block are in the 5,000 to 7,000 square foot range, with the biggest being 8,000 square feet. The lots are developed with moderately sized homes. There are some one-level homes and two-level homes, but it is a mix throughout the neighborhood. Our particular lot is 50' x 100' or a 5,000 square foot lot and it is currently developed with a one-story house about 1,000 square feet. It also has a garage approximately 300' square feet in the back left corner of the property.

Attorney Ragno questioned Engineer Dykstra that he did do a site visit and in doing the site visit, did you specifically look from a planning prospective as to whether or not there were areas around this lot that would allow the expansion of lots so that variances could be diminished even if requested? Engineer Dykstra stated yes, I certainly looked at the surrounding lots and I looked at the tax records and every lot in Block 443 (around 8 or 9 lots) are less than 10,000 square feet. Our lot is 5,000 square feet and the lot to the west (Lot 4) is 5,000 square. The largest lot on the block is the one to our right which is about 9,000 square feet which is developed with a relatively sprawling ranch for the neighborhood that is a wider house than normal.

Attorney Ragno requested Engineer Dykstra describe the existing conditions that are non-conforming to the zoning ordinance. Engineer Dykstra stated currently the minimum lot area required is 10,000 square feet (5,000 is provided on this property); minimum lot width requires 80 feet (this lot is 50 feet wide); lot depth requires 120 feet (this lot depth is 100 feet); and front yard setback requires 30 feet (this lot has 24.3 foot setback to the existing main foundation wall of the existing house).

Attorney Mondello mentioned Engineer Dykstra was using a pen on an exhibit that is a colorized version of the site plan that you submitted to the Board. Would that be correct? Engineer Dykstra stated that is correct and it is the same site plan that was submitted and last revised 9/12/2014. Attorney Mondello requested he mark this as Exhibit A-2 as A-1 is the Application.

Engineer Dykstra continued that the minimum side yard setback requires 15 feet (this lot has 5.9 feet) and this would be on the easterly border of the property. Minimum side yard setback total requires 35 feet (this lot has 22.4 feet); minimum rear yard setback requires 40 feet (this lot has 39.3); and maximum building coverage required is 25% (presently this lot is covered at 29%).

Engineer Dykstra testified that the only variance condition that will be expanded with this application is the rear yard setback. The proposal is to take this house that is currently 36-1/2 feet deep by 27-1/2 wide, build over the existing foundation but expand it 10 feet out the back.

Attorney Ragno stated the rear yard setback goes from being 39' to 29' so we have lost 10' in the backyard. However, the open space in the backyard will be compensated because we are taking out the 300 square foot garage that is back there currently. Engineer Dykstra

stated that this actually leaves more open space for the property than currently exists and the removal of the garage does reduce the building coverage from 29% to 25.6%.

Attorney Ragno questioned that a positive benefit of this proposed application is that the garage goes, which leaves more open space and less building coverage and the property will end up with a more modern dwelling unit which will enhance the neighborhood? Engineer Dykstra stated “yes”. We are taking an older house and building a brand new dwelling in which the first 13’ in the front is actually one story and then it expands to two stories.

Member Levine questioned what is the distance from the back of the existing dwelling on Lot 5 to the property line? Engineer Dykstra estimated 50’.

Attorney Ragno questioned Engineer Dykstra that, in his opinion, by continuing to make this a single-family dwelling in a residential neighborhood and improving the actual dwelling itself, does it remain in keeping with the rest of the neighborhood scheme? Engineer Dykstra stated “yes it does”. It is going to be an upgraded single-family home that will fit in the neighborhood. The house directly across the street was just recently changed from a one-story house to a two-story house.

Attorney Ragno questioned engineer Dykstra, that in his opinion, is there any substantial detriment to the intent and purpose of the zoning plan and ordinance or to the public good if this property is approved as you have designed it? Engineer Dykstra stated “no, I don’t see any substantial detriment to either.”

Attorney Ragno, referring to the engineering point of view, stated there is really an overlap of planning and we’ve covered the variance proposals and existing conditions and what we believe to be the benefits and the lack of substantial negative impact, so what I would like to do is simply go over the Boswell Report with you.

Engineer Dykstra stated he reviewed the Boswell Report and actually responded to each of the comments:

Effectively Comments 1, 2 and 3 don’t require any new responses.

Comment 4 discussed the existing building coverage and we made a couple of revisions and the plan is now consistent with the Boswell Report.

Comment 5 – When we didn’t increase the existing non-conforming condition, we didn’t note it as a variance. We just noted it as an existing non-conforming condition. The Boswell Report essentially suggested, because we are taking this house down to the foundation, that we now have to consider them as variances so the plan has been revised to note all those changes as variances.

Engineer Nash stated he was under the impression that the whole house and foundation was coming out, so when you are doing that, then you’re starting with a fresh tablet to construct from and therefore then there would be variances. However, if you are using the existing foundations, then those would be considered as existing non-conformities, but still

require variances. This would fall under a different category where it is more of a “hardship” because they are stuck with the variance because they are using the existing foundation.

Attorney Mondello stated there are different schools of thought. If two walls remain, i.e., perhaps 50% or 51% of the structure, then maybe you haven’t lost the variance, but in this case it is not going to hurt to add it.

Engineer Nash questioned if the basement is an existing full basement or is it a crawl space and under the new addition in the back is it a full basement or a crawl space as well?

Engineer Dykstra answered a portion will be full.

Comment 6 – Fence encroachments – Engineer Dykstra stated that my attitude sometimes with fences is if they are very close to the property lines and the neighbors are in agreement that it’s satisfactory then why change it. You are within a half of foot of the property line one way or the other. If we don’t have to rebuild fences we would rather not.

Vice Chairman Grygus’ biggest concern is that if the Board was to vote favorably on the application based upon the submitted site plan, and did not address the fence issue, does that put the Board in a legal position if they don’t request to move the fence? Attorney Mondello stated “no”. If the neighbor gets upset and tells him to move the fence, he will have to move it.

Engineer Nash stated, according to the survey, the fence is not parallel with the property line, so it is encroaching. As the Attorney said, if you wanted to move the fence 6” in the back and 4” in the front just to get it straight, then you are upsetting all kinds of people so sometimes it is better to leave well enough alone.

Vice Chairman Grygus, questioning Engineer Dykstra, stated you are removing the garage, which is larger than the addition which is less than 300 square feet, I am a little concerned and I just want to get your input on what your thought was as far as storm water management. Right now you are on that one property line. Yes, you have reduced some runoff from the garage, but that is in an area that doesn’t really encroach upon any of the neighbors’ dwellings and now you have added 300 square feet closer to the neighbors’ dwellings and I didn’t see any seepage pits proposed or anything. Engineer Dykstra stated we didn’t propose any mainly because there is limited space for one thing and the lot is very level and it just basically drains out to the street. While we are taking out the garage and a good section of the driveway, and although we are widening the driveway at the front because we want to have the ability to park up to three cars on the lot, we are reducing the impervious coverage.

Engineer Nash stated the ordinance doesn’t address impervious coverage. It only addresses the building coverage, and they are reducing the building coverage. Widening the driveway though, it might be in that increase in impervious coverage.

Vice Chairman Grygus stated there has been direction from the State that to charge the Board’s with actually reducing that runoff from sites.

Engineer Dykstra stated that, technically because this lot is so small, the State storm water rules only kick in when you have more than an acre of disturbance or a ¼ acre increase in impervious surfaces. The lot itself is only one-tenth of an acre.

Engineer Nash stated that the Borough has the opportunity to change that and they can adopt any ordinance they want. Even though the property is flat, how is it graded? Is the

grading from the rear of the proposed addition to the back of the property graded away from the house towards the north? How is the grading generally on the property? Is the driveway graded to the street? Engineer Dykstra stated that generally there is a grade in the back and very gradual grade to the front from the north to the south towards Park Avenue.

Engineer Nash questioned where is the water going to go that comes off the house into the leaders? Engineer Dykstra stated that the water is going to gradually run down the property line the way it does today and out to the street eventually.

Member Covelli referenced testimony provided that there will be an expansion on the back of the house and another portion of the testimony there was a discussion about whether the house has a full basement or a crawl space and I thought I understood that the new part of the house, the expansion, will have a full basement? Engineer Dykstra stated I believe so but the architect could speak about that.

Member Covelli is asking the question because that means there will be a machine on site, and since there will be excavation going on, would the applicant consider putting in a seepage pit? I believe that it has been well stated here among our discussions of the Board that we are always mindful of trying to minimize the impact. The community is a very flat area and the town spent high six figures to put in seepage pits for a drainage problem two streets over. Engineer Dykstra stated he got the nod, and we will put a dry well in the backyard.

Attorney Ragno stated the applicant will accept this as a condition.

Engineer Dykstra stated we will try and collect as much of the roof runoff and get it to the back for collection in the dry well in the rear yard area probably in the vicinity of the existing garage. There is no room in the front; there are too many utilities. I think if we collect enough in the back that will compensate for what you let go in the front. I think it is a simpler solution rather than trying to run long, very flat pipes and then your seepage pit has to get very deep.

Engineer Nash stated that the way the house is situated the majority of the roof area; the peak is north/south, so you can run those gutters to the rear. Engineer Dykstra stated we will do this for the two-story portion, but would rather not for the first-story level.

Engineer Nash questioned if there was a calculation on what the impervious coverage is existing and proposed? Engineer Dykstra stated we did not run the calculations since it was not required.

Engineer Nash stated because you are getting rid of the driveway that runs all the way to the back of the property, there is going to be a net decrease in impervious coverage.

Engineer Dykstra stated we are adding walkways and widening the driveway.

Attorney Mondello suggests to solve this the Board could make this a condition, and the applicant was kind enough to already agree to install the seepage pit, but what I will put in the Resolution is that Engineer Dykstra and Engineer Nash will have a discussion as to the specific location, size, etc. and if you can't agree upon how that seepage pit should be installed, you will come back before the Board. Fair enough?

Attorney Ragno stated "that is fine".

Engineer Nash asked is there a crawl space because the water table is high?

Chairman Dunning stated "yes". I used to live in that neighborhood.

Engineer Nash stated than a seepage pit is not going to work.

Engineer Dykstra stated then we will have to do something shallow, but when we start the excavation, we are going to find out where the water table is.

Chairman Dunning stated the biggest problem over there is we don't have storm drains properly spaced in the street. So those streets do pond up with a lot of water.

Member Henderson stated that it sounds like to me if there is not proper storm drainage within the street area, whether he puts the seepage pits in or not really doesn't matter.

Chairman Dunning stated the less that goes into the road, the better it is. If you live on Ringwood Avenue, you cannot dump any water onto the Passaic County road. We are concerned about the road and the neighboring properties.

Attorney Ragno stated I think the Resolution that your attorney brought up is a reasonable one. The Engineers work out where the water is going to be put, or as much of it as possible.

Engineer Dykstra pointed out that, if the water table is too high and it doesn't work, we are not going to be able to put a seepage pit in.

Attorney Mondello stated you don't have to come back to the Board if it can't be done.

Comments 7 – Engineer Dykstra stated the tree on the southwest corner is being removed.

Comment 8 – Engineer Dykstra stated this tree was already discussed with the previous witness, the applicant, and noted that this tree is on the neighbor's property. Hopefully, we can work something out with the neighbor and remove the large tree.

Chairman Dunning, referencing the existing foundation, has that been checked to make sure it is stable enough to carry the new house being a level higher. Engineer Dykstra stated the architect looked at that and will answer this.

Chairman Dunning also asked about the new addition having both a crawl space and a basement. Engineer Dykstra stated he only did the site plan so he cannot answer this question.

Attorney Mondello marked six pictures as A-3. Engineer Dykstra testified that the pictures were part of his report and were taken by his survey crew when they surveyed the property in July 2014. They accurately depict the existing property, and the surrounding properties.

Picture 1 – Shows the existing one-story white house directly from the street.

Picture 2 – Basically standing at the same spot, but turning slightly to the right and taking a picture of the house on the adjacent property, which is Lot 9. This is the ranch to the right of the property.

Picture 3 – The view point to the northwest. This is the house on the adjacent property, Block 443, Lot 4, which is a two-story house to our west.

Picture 4 – This is the house directly across the street, Block 453, Lot 11, which shows a two-story house. This is the house that was recently changed from a one-story house to a two-story house.

Picture 5 – This is the applicant's rear yard area and, looking over the fence, see you the house to our rear, which is a two-story house, Block 443, Lot 5.

Picture 6 – This is the applicant’s property, standing in the rear yard area, looking towards the street, down the property line. In this photograph, you actually see the large tree that we have been talking about and believe should be removed.

Member Levine questioned if there was going to be any impact on the utilities on the property? Engineer Dykstra stated we are just going to connect to the existing water and sewer utilities that already exist. The electrical will have to be reconnected.

Member Levine questioned if there would be any impact to the existing utilities overhead, underground? Engineer Dykstra stated “no”.

Vice Chairman Grygus wants to note on the record that the applicant is proposing the front handicap ramp to be built over the existing water connection. This is not an issue, but we just like to get it on the record in case something goes wrong with it after the fact.

Member Covelli, referencing Picture 6, notes a chimney on the left-hand side of the house. What is this for? Chairman Dunning stated the architect’s plan shows the furnace right in that corner and it is in the basement.

Member Ludwig questioned how high was the basement ceiling? Mr. Blanchard responded about 6’.

Attorney Ragno would also like to have the Planning Report in the package marked as A-4.

Engineer Dykstra pointed out that in the front of the house there is going to be a covered entrance and the architect can explain it better. This will actually have a setback of 18.9’. The 22.4’ is measured to the foundation, but right in front of the front door we have a projection to cover that area to keep the rain off. It is an open area, but it is covered. Vice Chairman Grygus was going to ask the architect about this. I noticed that the front yard dimension is going to the foot of the concrete pad, but the backyard is not. I am assuming that the front cantilever does not exceed the bump-out of the concrete pad, and also assuming there is none in the back.

Attorney Mondello questioned if we needed to modify the front yard setback variance in order to account for this covered area? Engineer Dykstra stated I just want to make sure it is covered because, if we do, then the front yard setback would be 18.9’.

Attorney Ragno stated, from our perspective, we have noticed appropriately for that potential, so if you feel it is necessary, please grant us that variance as well.

Chairman Dunning: Is there anyone in the public that has any questions on the applicant’s or engineer’s testimony? We have no public tonight so there are no questions from the audience.

Attorney Mondello swore in Yogesh Mistry, 17 Main Street, Netcong, NJ. I am a licensed architect in the State of New Jersey since 2000. I have had my own practice in Netcong for the last 12 years and we do various types of architecture from commercial to residential to

hospitality and retail. I have presented and testified as an architect in front of various boards throughout northern New Jersey, although it is my first time here. The Board accepts Architect Mistry as an expert in the field of architecture.

Attorney Ragno has no questions or comments for Architect Mistry, but we know the Board does.

Vice Chairman Grygus asked Architect Mistry to address the dimensions of that front overhang on the house. It looks like there is one in the front elevation, but if you look at the side elevation it doesn't show.

Architect Mistry stated "you are absolutely correct". There is a drafting error on the two side elevations. There is a 5.4' x 5.4' projection of the front porch. Essentially it is a landing with two posts.

Vice Chairman Grygus questioned if it exceeded the pad that is shown?

Architect Mistry testified "no, it is basically aligned with that pad".

Vice Chairman Grygus questioned if there was one on the back of the house?

Architect Mistry testified "no". There is a little landing there, but there is no overhang.

Attorney Mondello presumes Architect Mistry is referring to the non-colored architectural drawings that he submitted, which will be marked as A-5.

Chairman Dunning asked Architect Mistry to explain the basement drawing.

Architect Mistry testified that $\frac{3}{4}$ of the basement is just crawl space, which is about 3' of clearance between the direct and underside of the joists. But there is that back right corner that is about 6.5' to the underside of the plywood and the joists and such.

Essentially that is where the furnace, mop sink and sump pit, etc. is. The new addition we are putting on to the back is going to be a 10' addition and half of that is going to be crawl space and the other half basement. We are going to be adding a new bilko door and stairs going down in that area that is going to be the same height as the existing basement so we get in there to access the utilities and furnace. The remainder of it is all crawl space.

Member Covelli questioned if the existing furnace is staying in its existing location?

Architect Mistry stated a new furnace is being installed, but generally in that same location.

Vice Chairman Grygus questioned there being no access proposed to the basement from the first floor? Architect Mistry testified "no, you will have to go to the back through the bilko doors and the stairs that go down. That is how it is right now."

Chairman Dunning, referencing the venting which is now the stainless steel insulated pipe coming out of the rear of the house, where is that in the floor plan? Architect Mistry stated that is going to be gone. The furnace we are getting is a high-efficiency furnace and you just need a little flue that goes right out of the side wall. This will also service the hot water heater.

Member Ludwig had a question that is a little limited as to zoning. You are doing partial crawl and a low ceiling full basement, why aren't you considering the full basement because the cost is kind of *de minimis*, and it will eliminate the possibility of someone

wanting a shed on the property later on because you have no storage for lawn mowers, etc. Architect Mistry stated the reason we did a portion of the addition in crawl because we wouldn't want to have to underpin the existing foundation.

Engineer Nash questioned that the plan is to remove the entire existing house down to the foundation. Architect Mistry stated they may keep the first floor joists so essentially everything above that.

Engineer Nash stated, if you didn't do that, then you wouldn't have to worry about the underpinning because then you could excavate down and if it is just a foundation wall, you could just replace the foundation wall, and you could construct a full type basement in the addition.

Vice Chairman Grygus questioned if any outside mechanical systems were being proposed? Architect Mistry stated there will be a condenser for the central air system, which we believe will be either in the rear yard or on the left side. There is really no space on the right side of the property.

Member Ludwig asked if the Architect feels comfortable that this foundation is strong enough? Architect Mistry stated we did do an evaluation and felt it was appropriate for a second floor. We are going to do further investigation when they do the excavation. It looks like the foundation is cinder block and it is a little bit older foundation, but the footings look okay. The loads on the left wall and right wall are incrementally increased because the roof load is still the same and the first floor load is still the same. It is really the bedroom load you are adding to the second floor. We are adding some new footings internally to carry some of the internal loads coming down.

Chairman Dunning questioned since it is ramped front and rear, is everything on that first floor level handicapped accessible? Architect Mistry stated everything is all at one level. You come up the ramp and you are about 1-1/2' up the grade and the whole first floor is accessible. All the door widths are handicapped accessible at 36'.

Chairman Dunning questioned between the kitchen and the rear right side bedroom, you have a gigantic walk-in closet with a window? Architect Mistry stated the client just wanted a larger storage closet. It is not a bedroom master closet.

Chairman Dunning questioned the length of the either of the handicap ramps? Architect Mistry stated the standard slope is 1' for every 1". The one in the front is 18" drop, so it is 18' plus the 5' for the two intermediate landings. The rear one is very similar; it is also an 18" drop.

Chairman Dunning questioned the width of the sidewalk from front to back? Architect Mistry stated about 4'.

Chairman Dunning questioned between the front and rear ramp where it hits the level sidewalk, is that sidewalk level with the driveway? Architect Mistry stated it is level with the driveway.

Attorney Mondello stated Engineer Dykstra testified that the square footage of the existing house is about 1,000 square feet. What is the square footage of the proposed house? Architect Mistry testified that the existing house is 985 square feet and the proposed first floor is 1246 and the second floor is 881, which is 2127 total square footage.

Member Covelli questioned if the front yard setback needed to be modified? Attorney Mondello stated yes. It should be 18.9'.

Chairman Dunning: Is there anyone in the public that has any questions on the architect's testimony? Seeing and hearing none, we close the public portion.

Attorney Ragno commented that this is an application that will be a benefit for the town. I think the case has been proven legally and we have met our standard under the positive and negative criteria with respect to variances. I point out again that most of these variances are, in fact, existing conditions on this property and the applicant respectfully requests that you grant the approvals.

MOTION MADE BY VICE CHAIRMAN GRYGUS TO APPROVE THE APPLICATION FOR THE PROPOSED CONSTRUCTION OF A TWO-STORY SINGLE FAMILY DWELLING WITH THE FOLLOWING VARIANCES:

LOT AREA WHERE REQUIRED IS 10,000 SQUARE FEET AND PROPOSED IS 5,000 SQUARE FEET FOR A VARIANCE OF 5,000 SQUARE FEET; LOT WIDTH WHERE 80 FEET IS REQUIRED AND PROPOSED IS 50 FEET FOR A VARIANCE OF 30 FEET; LOT DEPTH REQUIRED IS 120 FEET AND PROPOSED IS 100 FEET WITH A VARIANCE OF 20 FEET; FRONT YARD SETBACK REQUIRED IS 30 FEET AND PROPOSED IS 18.9 FEET FOR A VARIANCE OF 11.1 FEET; SIDE YARD SETBACK REQUIRED IS 15 FEET AND PROPOSED IS 5.9 FEET FOR A VARIANCE OF 9.1 FEET; SIDE YARD TOTAL REQUIRED IS 35 FEET AND PROPOSED IS 22.4 FEET FOR A VARIANCE OF 12.6 FEET; REAR YARD SETBACK REQUIRED 40 FEET AND PROPOSED IS 29 FEET FOR A VARIANCE OF 11 FEET; BUILDING COVERAGE MAXIMUM OF 25% AND PROPOSED IS 25.5% FOR A 0.5% VARIANCE; AND WITH THE FOLLOWING CONDITIONS THAT THE SITE PLAN BE AMENDED, THE ZONING TABLES AND ANY OTHER COMMENTS THAT WERE BROUGHT UP BY THE BOARD; AND THAT THE POSSIBILITY BE EXPLORED OF A STORM WATER RETENTION SYSTEM TO CAPTURE AS MUCH RUNOFF FROM THE BUILDING AS POSSIBLE TO BE DETERMINED BETWEEN THE TWO ENGINEERS

MEMBER COVELLI WOULD LIKE TO SECOND THAT ASKING VICE CHAIRMAN GRYGUS IF HE WOULD AMEND THE WORD "EXPLORE" SINCE THE CONDITION WAS THERE WILL BE A SEEPAGE PIT WITH CONCURRENCE OF THE TWO ENGINEERS

VICE CHAIRMAN GRYGUS USED THE WORD "EXPLORE" TO SEE IF IT WOULD WORK BECAUSE OF THE WATER TABLE

ATTORNEY MONDELLO REITERATED THAT THE RECORD IS CLEAR THAT IF IT DOESN'T WORK, THE APPLICANT DOES NOT HAVE TO COME BACK TO THE BOARD; IT WILL BE BETWEEN THE ENGINEERS

MOTION TO APPROVE APPLICATION: made by Vice Chairman Grygus, seconded by Member Covelli. Voting yes were Chairman Dunning, Vice Chairman Grygus, Members Covelli, Ludwig, Levine and Henderson . Motion Carried.

PUBLIC DISCUSSION: None/Closed

RESOLUTION: None

CORRESPONDENCE: None

VOUCHERS: submitted by Boswell Engineering on the Blanchard Application in the amount of \$558; on the DeMarco/McCloud Application in the amounts of \$90.50 and \$724.00; all totaling \$1,372.50

MOTION TO APPROVE: made by Member Covelli, seconded by Member Ludwig. Voting yes were Chairman Dunning, Vice Chairman Grygus, Members Covelli, Ludwig, Levine and Henderson.

VOUCHERS: submitted by Ronald Mondello, Esq. for attendance at the October Meeting in the amount of \$300.

MOTION TO APPROVE: made by Member Covelli, seconded by Member Levine. Voting yes were Chairman Dunning, Vice Chairman Grygus, Members Covelli, Ludwig, Levine and Henderson .

Member Covelli is able to vote tonight and in the future since Attorney Mondello has resigned his Council Seat in Kinnelon and Member Covelli is the Risk Manager for Kinnelon.

MOTION TO APPROVE JANUARY 8, 2014 MINUTES: made by Vice Chairman Grygus, seconded by Member Levine. Voting yes were Chairman Dunning, Vice Chairman Grygus, Members Ludwig, Levine and Henderson . Member Covelli abstained-not qualified.

ENGINEER'S REPORT: Nothing new to report.

DISCUSSION: None

MOTION TO ADJOURN: Motion carried by a voice vote.

Jennifer A. Fiorito
Board of Adjustment Secretary