

**MINUTES**

**JUNE 21, 2011**

**BOARD OF ADJUSTMENT**

**LONG HILL TOWNSHIP**

**CALL TO ORDER AND STATEMENT OF COMPLIANCE**

The Chairman, Dr. Behr, called the meeting to order at 8:05 P.M.

He then read the following statement:

Adequate notice of this meeting has been provided by posting a copy of the public meeting dates on the municipal bulletin board, by sending a copy to the Courier News and Echoes Sentinel and by filing a copy with the Municipal Clerk, all in January, 2011.

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

On a call of the roll the following were present:

- E. Thomas Behr, Chairman
- Sandi Raimer, Vice Chairman
- Edwin F. Gerecht, Jr., Member
- Felix Ruiz, Member
  
- Michael Pesce, 2<sup>nd</sup> Alternate
  
- Barry Hoffman, Bd. Attorney
- Thomas Lemanowicz, Bd. Engineer
- Kevin O'Brien, Twp. Planner
- Dawn Wolfe, Planning & Zoning Administrator
  
- Excused: John Fagnoli, Member
- Maureen Malloy, Member
- Christopher Collins, 1st Alternate

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**EXECUTIVE SESSION**

Dr. Behr announced that there is a need for the Board of Adjustment to meet in executive session to discuss personnel matters.

Mr. Gerecht made a motion to adjourn to executive session at 8:06 P.M. which was seconded by Mr. Ruiz.

The Board re-entered public session at 8:14 P.M.

Dr. Behr asked for a motion to adopt the annexed Resolution of appointment of Thomas R. Lemanowicz, P.E., P.P., C.M.E. (or Remington, Vernick & Arango Engineers, Inc., the firm with whom Mr. Lemanowicz is now affiliated) as the Board of Adjustment's Engineering Consultant for the balance of the calendar year 2011, with the terms of said appointment or designation to be as more particularly set forth in the Agreement or Agreements for Professional Services entered or to be entered into between the Board of Adjustment and the Consultant, with such Agreement to be deemed to be effective, retroactively, as of January 1, 2011 and to be continued on the same basis until December 31, 2011.

Mrs. Raimer made the motion which was seconded by Mr. Gerecht.

A roll call vote was taken. Those in favor: Mrs. Raimer, Mr. Gerecht, Mr. Ruiz, Mr. Pesce, and Dr. Behr. Those opposed: None.

Mr. Lemanowicz thanked the Board.

**APPROVAL OF MINUTES**

The minutes of March 15, 2011 were approved as written on motion by Mr. Gerecht and seconded by Mr. Ruiz. Dr. Behr abstained as he was not present at that meeting.

The minutes of April 5, 2011 were approved as written on motion by Mr. Gerecht and seconded by Mr. Ruiz.

**RESOLUTION OF MEMORIALIZATION**

**HUNTER PROPERTY, LLC**

279 Union Street  
Block 11511, Lot 4

**#10-04Z**  
**Use Variance**  
**Prelim./Final Site Plan**  
**Bulk Variances**

The Board of Adjustment memorialized the annexed Resolution of approval for Hunter Property, LLC, as amended, on motion by Mr. Gerecht and seconded by Mr. Pesce.

A roll call vote was taken. Those in favor: Mrs. Raimer, Mr. Gerecht, Mr. Ruiz, Mr. Pesce and Dr. Behr. Those opposed: None.

**ANNOUNCEMENT**

Dr. Behr announced the rebroadcast schedule of this meeting.

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**SHANNA & DANIEL TRUFFINI**

310 Passaic Avenue  
Block 11610, Lot 6

**#11-02Z**  
**Bulk Variances**

Present: Daniel Truffini, co-applicant  
Nicholas J. Ferrara, licensed professional architect  
A. Thomas Murphy, licensed professional engineer  
Marty Karpenski, father-in-law of Daniel Truffini

Lucille Grozinski, certified shorthand reporter

Proof of service was submitted.

Mr. O'Brien and Mr. Lemanowicz were sworn.

Mr. Daniel Truffini, co-applicant, was sworn. He said that he and his wife purchased the subject property, which is their first home, in 2004. As their family has grown with 2 children, their ranch home has become very tight on space. He said that he and his wife love their neighborhood and home and have made the decision to try to build a very modest addition which will include a great room and a master bedroom upstairs and allow for more room which is greatly needed. The proposed 2 story addition will have a footprint of 391 S.F. and will include a deck and basement at the rear of their dwelling. He said that his property is extremely narrow (50' wide), so there are not too many options in terms of how to improve the dwelling.

Mr. Nicholas J. Ferrara, licensed professional architect, was sworn. He has appeared before the Board on many occasions and was accepted as an expert.

He said that his clients' attempt was to create a modest addition towards the rear of the property in order to provide a family room because there is currently no such space in the dwelling, and to

create a master bedroom suite on the second floor, directly above the addition. He said that there are 3 very small bedrooms on the first floor and a real need for additional space. They would also like to construct a very modest deck, much smaller than the original deck that is planned to be demolished. A full basement is also proposed to be constructed under the addition for more storage space which is also greatly needed.

He referred to and described the architectural plan he had prepared dated 4/19/11, last rev. 6/13/11 and noted that the minimum side yard setback in the R-4 Zone is 10'. The existing southerly side yard offset is 9.7' and the proposed side yard offsets on the southerly side of the property will be 9.7' and 9.8' respectively.

He said that there is an existing 2 car garage to the rear of the proposed addition and the owners intend to utilize the left side for vehicle storage and the right side for storage of lawnmowers and things of that nature. He said that there is an existing gravel driveway which Mr. Murphy will address later.

In response to Mr. Hoffman, he described the style of the proposed dwelling as having the character of a "mission style" of housing. He pointed out that the existing neighborhood is one which contains a variety of housing styles and mixed uses.

Mr. Ferrara said that the existing square footage of the dwelling is 1,085 S.F. and, following construction of the proposed addition, the residence will contain 1,845 S.F.

In response to Dr. Behr, Mr. Truffini said that he and his wife are *looking* at Hardiplank siding, which is a composite resembling wood with a texture, however they have not yet received proposals from builders and they understand that it is a significant cost. Ideally, he said that he would like to reside the entire house with Hardiplank siding, otherwise he will match the existing aluminum siding. He said that he would not do a mix of the two.

In response to Mr. Lemanowicz, Mr. Truffini said that he had personally installed the patio in the rear of the dwelling without being aware that a permit was necessary. He constructed it because his existing deck "bakes in the sun" and the back yard is shaded and much cooler. He apologized and said that if he knew it would cause a problem with excess lot coverage, he never would have constructed it.

Mr. Lemanowicz said that, because a variance wasn't obtained to construct the patio (which would have been required since the impervious coverage was increased beyond the allowable), the applicant's can't take a credit by removing it. He said that the numbers need to be revised as far as what the applicants are asking for with respect to the impervious coverage.

In response to Mr. Hoffman, Mr. Lemanowicz said that the recalculations could easily be done in a 5 or 10 minute recess. In this case, he said that the plans show that the proposal will reduce impervious coverage, although not to the maximum allowable. He said that, when you make that change, we are now increasing the impervious coverage above what is there now. He said that it is a *significant* change in that we are going up instead of down. If the patio is physically left there, the total goes from 4,013 S.F. to 4,229 S.F.

In response to Mr. O'Brien, Mr. Ferraro said that the dwelling will be some two steps lower in elevation than the existing basement. There will be sump pumps that can function on an as-needed basis.

Mr. Truffini said that he has a main sump pump and a secondary (battery back-up) sump pump in his basement. They run equally on the street and during a storm you will see all of the pumps on his street running because of the nature of the Passaic River and the low lying area. He did not believe that the sump pumps runs excessively during a storm.

In response to Dr. Behr, Mr. Truffini said that he has planned for additional sump protection in his proposed new basement.

Also in response to Dr. Behr, Mr. Truffini said that currently the water from the primary sump pump goes to the street and the secondary sump pump dumps back outside into the back yard and then it runs slowly with the grade down into the ravine/drainage ditch.

Mr. O'Brien asked Mr. Truffini if he had taken any steps to floodproof the basement addition such as raising the utilities, etc.?

Mr. Ferrara replied that there is currently no evidence of a water problem, however the electrical outlets could be raised.

Mr. Truffini said that said that Passaic Ave. crests very softly in the middle and that is right about where his house is, so it is located on a high point. He said that they have been very lucky that their house does not take on water.

In response to Mr. O'Brien, Mr. Truffini said that if his sump pumps did not work at all, he was sure that over the course of weeks his basement would fill up as any basement that has a sump pump would. He said that there are French drains in his basement and he has never had a problem with any water coming in anywhere.

The meeting was opened to the public for questions. There being none, the meeting was closed to the public.

Dr. Behr asked Mr. Ferrara if he had given any thought to trying to raise the front of the house to a more conventional 2-story structure.

Mr. Ferrara replied that that was never the intent. He said that the owners would like to have those particular functions at the more private side of the residence which is at the rear.

Dr. Behr asked Mr. Ferrara if, had he been charged with increasing the existing footprint of the house to the smallest possible degree while still giving the applicants all the amenities they are looking for, it would have been possible from an architectural point of view to have put a 2<sup>nd</sup> story on the house.

Mr. Ferrara replied, "Hypothetically, yes", however financially it would be an incredible burden. He said that that the applicants are building just what is adequate for their needs.

Dr. Behr asked Mr. Ferrara if he was saying that it would be more expensive to remove the roof and make it a 2-story house than creating a whole new addition on the back of the house, with a foundation.

Mr. Ferrara replied that they would want the family room on the 1<sup>st</sup> floor and never, ever considered putting a family room on the 2<sup>nd</sup> floor, therefore it necessitated an addition to the rear, which left an area for a master bedroom suite with closets for storage, a bathroom, etc. Analyzing the house and orientation, he said that it made more sense to construct an addition towards the rear. He added that they only needed that much more space. Once he had to build a foundation and basement for the 1<sup>st</sup> floor family room, it made sense to build on top of that for the 2<sup>nd</sup> floor.

In response to Dr. Behr, Mr. Truffini said that there are currently 3 small bedrooms on the 1<sup>st</sup> floor. The largest is 14' x 12' and the others are either 10' x 12 or 11' x 12'. There is currently only one bathroom in the house.

Dr. Behr asked, hypothetically, if the footprint could be kept as it is and all of the bedrooms put upstairs on an add-a-level and then some of the bedrooms downstairs could be combined to be the family room.

Mr. Lemanowicz noted that a variance being requested is for lot coverage and the applicants must justify why they chose to create more coverage rather than just add a level.

Mr. Ferrara replied that another reason for the family room at the rear is that that is the exposure toward the entertainment area, towards the deck, and the private view. In order to enjoy a full function of the family room, he felt that it serves a better purpose at its proposed location as opposed to being buried within the home of a bedroom in a corridor.

Mr. A. Thomas Murphy, licensed professional engineer, was sworn. He has appeared before the Board on many occasions and was accepted as an expert. He said that he was hired by the applicants to address some of the environmental issues of the site. He said that a lot of the properties on Passaic Ave. are in or border along the flood plain of the Passaic River. He said that his firm shot elevations of the property and was able to distinguish that the flood hazard area is at elevation 215.8. He said that it showed spot shots around the whole property and a majority of the property is *not* in a flood hazard area. He said that there is a small section on the western edge of the property that would be in the flood plain but is well away from any construction or improvement that is proposed. In addition, he said that there are extensive wetlands to the west of the property and so he requested Mr. David Krueger of Environmental Technologies visit the site and flag the wetlands that he located near the site. He then located those flags and, going with the worse case buffer of 150' from the wetlands, he was able to show that in this case there is no disturbance proposed in the wetland buffer. Therefore, he was able to show that two of the issues that are normally problematic are not for this site.

He said that the other issue with flood plain/flood hazard area is what is known as a riparian zone which is a zone measured from the top of a stream or river which can vary from 50' up to 300' depending on where the waters drain. He said that a 300' buffer would only be if they were at category one waters. In this area of Long Hill Township, there are no category one waters and so they would go down to a lower buffer of 150' from the top of the bank. He said that it has to be a regulated water that has a riparian zone and this ditch is a man-made ditch. It is obvious by the shape of it and how it was constructed that it was not a natural ditch. In the definitions for regulated waters, he felt that this would possibly not be a regulated water since it is a man-made ditch and has less than a 50 acre drainage basin. He said that they could get a jurisdictional determination as to whether it is a regulated water. If it is *not* regulated, there is no riparian zone that would affect the property and the applicants would need nothing from the State. If it *is* a riparian zone then, technically, if it is a 300' riparian, then they would need a permit to do what they are doing. He felt that they would qualify for it with a permit that it was needed in this case – disturbing in a previously disturbed riparian zone. In either case, he said that he could address that question.

In response to Dr. Behr, Mr. Murphy said that no stormwater facilities are proposed for the property. He said that they can't go back to the wetlands buffer and, therefore, the rear of the property would require permits for wetlands disturbance. In the front yard, though it is not shown on the plans, there is a large maple tree in the lawn area immediately in front of the house. Therefore, anything done in that area would just damage the roots of that tree which he felt would cause more problems than it would solve. Based upon the Morris County Soil Survey, he said that the property contains a Whippany soil which is a silt loam soil with poor permeability and has a high ground water anywhere from ½' to 1 ½' below the surface so, theoretically, a drywell wouldn't drain and would fill up with water in the spring when the seasonal water table is high and would not afford any storage capacity. He noticed that the leader drains on the site all discharge either onto the lawn or onto the gravel and head back towards the rear of the property towards the ditch. He felt that the fact that it runs over land through that lawn area is enough control not to create an increase problem. There is one leader in the left front corner that discharges into the gravel and he believed that that part of the driveway goes towards the street. In that case, he could either discharge it onto the lawn so that it dissipates across the lawn area before it gets to the Passaic Ave. pavement, or try to direct that also to the back where it would drain across the gravel and onto the lawn.

In response to Dr. Behr, Mr. Murphy said that all of the additional water produced by the new addition is going to go directly into the ditch. From that point, he believed that it heads north and then crosses under Passaic Ave. across Main St. and then eventually crosses under Valley Rd. towards the Passaic River. Because it is so flat, there is also a possibility that it could go directly

south under Valley Rd. in that direction. The ditch itself is fairly flat and, in this case, he thought it flows towards the north and not the south.

Mr. Pesce asked Mr. Lemanowicz if he was going to cover how we got to the existing 40% lot coverage.

Mr. Lemanowicz said that that, based upon the Yeager Survey, is how the property was purchased by the applicants. There was some other impervious that has since been removed, but it is unclear because we don't have a survey from before that. He said that the only thing we can say for sure is that the patio has been there since 2004 which is when the Ordinance would have prohibited it.

Dr. Behr said that the Board will be taking a recess and that it must have accurate numbers.

Mr. Hoffman referred to the Wetlands and Partial Elevation Plan prepared by Murphy & Hollows Assoc. which shows some new walkways along the northerly side of the property starting about halfway back from the depth of the dwelling and running back behind the proposed wooden deck. He asked if we have the additional area of impervious coverage that those new walkways would add.

Mr. Murphy replied that those walkways were taken off of Mr. Ferrara's plan and would have been included.

Mr. Hoffman said that this would be construction adding impervious coverage on a lot that is already well in excess of the permitted lot coverage. He was trying to ascertain the reason for putting in those new impervious areas.

Mr. Murphy said that part of the walkway shown is over an existing walkway and is just being reconstructed. He said that the area of the new walkway goes around the new proposed deck area to get to the driveway and was included in the increase in coverage.

Mr. Hoffman said that this is new construction, nevertheless, as distinguished from what is designated to be a concrete walkway up in the front of the property which he assumed is existing.

Mr. Murphy replied that it *is* existing.

Mr. O'Brien said that currently the driveway is labeled as "paved" and, upon inspection, it appeared to be graveled.

Mr. Murphy replied that it is graveled. For the record, he said that the gravel is rather loose and is not well compacted, therefore, he felt that there is permeability in gravel, although he knew that the Township doesn't accept that as being pervious.

In response to Mr. Lemanowicz, Mr. Murphy clarified that his firm located the wetlands flags, but the flags themselves were installed by Mr. Krueger.

Mr. Lemanowicz said that that will need to be added. He asked if Mr. Krueger has applied for an L.O.I.

Mr. Murphy replied, "No". He said that he had originally shown the wetlands based upon the I-Map which Mr. Lemanowicz pointed out was for planning purposes and was not site specific. So, to address his first report, they went out and physically located the wetlands by Mr. Krueger. He said that they just wanted to show that they are not even close to being in that buffer area.

Mr. Lemanowicz disagreed and said that they *are* relatively close based upon the transition area of 150'. He said that if they were 500' away from it, he would agree.

Mr. Murphy said that they are about 10' away with the sidewalk.

Using his scale, Mr. Lemanowicz said that they are about 6' from the wetland buffer with the sidewalk and that is close. He felt that the need for an L.O.I. has got to be an issue for the Board to discuss.

Mr. Murphy replied that, rather than a L.O.I., he would ask Mr. Krueger if it would be easier or more expedient to get a Footprint of Disturbance. He said that an L.O.I. is a rather lengthy application and a Footprint of Disturbance is a smaller one.

Mr. Lemanowicz replied that that would be fine also. He said that it would be reworded to say that some acknowledgment from the NJDEP that it is permissible is required. With respect to stormwater management, he said that it has already been decided that the patio is being removed. He asked if it would be possible if, instead of filling in that area with topsoil, for it be scraped out a little more to make a rain garden out of it and dump the leaders from the garage into it and put a stone border around it so that it is aesthetically pleasing and then let the water flow out of it. He noted that the garage doesn't have a basement, so you don't have to worry about water next to it. He said that, with the Footprint of Disturbance, if you show the NJDEP that you are being kind in removing it (and impervious cover ) and putting in a rain garden, he felt that they would go for it.

Mr. Murphy replied, "All right". He said that he hadn't considered that and just knew from the soils that a rain garden is not going to drain well.

Mr. Lemanowicz agreed with Mr. Murphy that the soils on the property are not going to be conducive to drywells, nor is the shallow ground water as evidenced from the sump pumps.

Mr. Truffini said that a rain garden is a concern for him because, as it is with the ditch in the rear, there is a lot of sitting water in the area and they have a terrible bug problem with mosquitoes and gnats - worse than anyplace with the wetlands on the other side and the ditch which has not been maintained and has filled up with a lot of decay and leaves. His concern with a young family and children is standing water and more of it closer to the house. He did not feel that a rain garden would be effective in draining.

In response to Mr. Gerecht, Mr. Lemanowicz said that the soils here would probably hold water longer than other areas. He did not disagree with what was said and said that he was only offering another option for the Board to consider. He said that mosquito issues are problems with basically any of the rain gardens we are dealing with.

Mr. Truffini said that he had planned on installing some additional type of drainage such as a ditch or perforated pipe.

Mr. Murphy replied that he was not aware of that and that it might be a problem because now you are working in the flood plain. He said that it could be done, but would require some type of permit for wetlands disturbance.

In response to Mr. Gerecht, Mr. Truffini said that he no plans to eliminate the Bilco doors and wished to keep them for access to get things in and out of the house. He said that they have been there forever and have been very helpful. He said that there is also a (secondary) sump pump pit near them and he did not think removing the doors would be the right thing to do.

Mr. Gerecht suggested, even if the Bilco doors are not eliminated, eliminating the walkway to them.

Mr. Truffini replied that that would reasonable and there is no need for that walkway and he, frankly, would prefer to remove it and replace it with grass.

Mr. Gerecht asked how much the walkway would eliminate off of the ground coverage.

Mr. Ferrara replied that removing the entire sidewalk would result in a 153 S.F. reduction.

Mr. O'Brien asked how the new basement entrance underneath the addition would be accessed.

Mr. Lemanowicz replied that you would come up the new staircase and, when you get to grade, you would step on grass.

Mr. O'Brien said that it appears that you walk up the basement stairs towards the front of the house. He asked if there is a reason that can't pitch back to the rear of the house. If you do that, he said that you would not need the walkway at all.

After further discussion, it was agreed that the exterior basement stairway will be reconfigured to ascend toward the rear of the house.

With regard to the maneuvering area for the garage, Mr. Lemanowicz said that, in an ideal situation he likes to see 35' from the garage doors to the next curb so that you can back a vehicle out. Right now, he said that there is about 27' which with smaller cars you could probably manage. He said that the proposed addition is going to reduce it down to 19' which is going to make maneuvering back in there on the cumbersome side, which is not necessarily a zoning issue, but he was concerned that it may be an issue for maneuverability. He wanted to be sure that that has been explained and that the owners are aware of it.

Mr. Ferrara replied that the owners intend to use the right side of the 2 car garage for storage and not for vehicles to enter or exit. The left side will be used for vehicle storage and, therefore, maneuverability is somewhat better, although certainly not ideal.

Dr. Behr called for a 10 minute recess. It said that it is very important for the Board to get an absolutely definitive statement of lot coverage, taking into account the modifications discussed by Mr. Lemanowicz, as well as the impact of removing the walkway on the right hand side of the house.

Mr. O'Brien said that it might also be helpful, since the blacktopped area was there when the applicants purchased the house, to at least have a very short discussion as to when that was removed and how much was removed to give us an idea of what happened.

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Mr. Ferrara referred to Dwg. No. A-1 of his plans and said that, just above the Zoning Schedule, is a series of calculations for lot coverage. Under "Existing" he said that it indicates a patio @ garage of 216 S.F. He said that he will remove that figure which will reduce the total existing lot coverage to 3,880 S.F. (or 38.29%). He said that if you take that number and go back to the Zoning Schedule under the existing lot coverage, the 40.42% will change to 38.29%. He said that if you go back up to the "Existing to Remain", a side walkway of 105 S.F. is indicated. He said that it was agreed that the walkway on the side of the house will be removed, so 105 S.F. will be deducted from the "Total to Remain" which will change that number from 1,791 S.F. to 1,686 S.F. He said that under "Proposed", extend walkway is indicated at 48 S.F. which will also be removed. Therefore, he said that they will be able to deduct a total of 153 S.F. and would change their Total Proposed from 2,222 S.F. to 2,174 S.F. He said that if you add the item above of 1,686 S.F. of "Total to Remain" to the 2,174 S.F. "Proposed", the "Total Existing to Remain & Proposed" will be 3,860 S.F. (38.09%) lot coverage.

In response to Dr. Behr, Mr. Ferrara confirmed that the total proposed lot coverage has dropped from 38.29% to 38.09%.

Mr. O'Brien referred to Pg. 5, Item H, of his report dated 6/14/11 entitled "Visual Impacts" and asked who would like to address his comment.

Mr. Ferrara felt that, from Passaic Ave., the proposal will have minimal visual impact because of the size of the addition. He felt that the proposed location of the addition will provide the least exposure to the public and that you are dealing with the two back yards of the two adjacent homes, noting that there is nothing to the rear of the property except woods leading to the



drainage ditch. He felt that the impact of the mass of the addition is as minimal as he could make it.

In response to Mr. O'Brien, Mr. Ferrara referred to the Partial First Floor Plan on his Dwg. A-1 and said that two decorative wall mounted light fixtures are proposed on the deck on either side of the sliding door.

In response to Mr. Gerecht, he said that the lights are only for safety purposes and will contain 60 watt bulbs. He said that there is also another one will be mounted on the wall at the door coming out of the basement for safety purposes.

Also in response to Mr. Gerecht, Mr. Truffini said that currently there is a decorative light as you exit under the deck next to the door. There are also two floodlights where the top of the roofline is in the rear (one above and one below the vent). He said that they will not be repeated on the addition. He said that there will be no lighting on the proposed balcony.

In response to Mr. O'Brien, Mr. Ferrara said that the proposed deck will be lower than the deck that is being removed. Therefore, the space underneath it will be substantially less than what exists today. He said that it is just high enough to accommodate a couple of casement windows for the basement, but it is not to be used for storage purposes.

Mr. Lemanowicz noted that the applicants requested a waiver for a Development Permit and Sec. 143.6a(1) allows the waiving of a Development Permit. It states that one of the waivable cases is that of a single family detached home on an existing lot of record, provided that the areas of special flood hazard included within the parcel for which a Development Permit is required do not exceed 10% of the total development parcel or are located entirely within the required side and rear yard setback areas. In this case, he said that the flood hazard area is based upon the topography isolated to the back corner of the property and, therefore, it would appear that the Ordinance allows it to be waived in this case. He did not see an issue in waiving it in this case because the elevation has been stated by the surveyor as being lower than the area of development.

Mr. O'Brien said that the approving authority may waive the requirements for a Development Permit provided that such waiver is recommended by the Township Engineer, or in this case the Board Engineer.

Dr. Behr asked Mr. Hoffman if he felt it would be appropriate to deal with this matter separately. He said that it seemed to him that the Development Permit Waiver seems to be its own issue and is independent from application itself.

Mr. Hoffman replied that the applicant has given notice for a full Development Permit, should that be necessary, so in any event there not a so called noticing issue. He said that what would be gained presumably from the applicants' standpoint, if the Board should permit this as a waiver, is that it would relieve the applicants and their engineer from adding certain notes and providing certain evidence of flood proofing measures that typically are required or recommended in flood zones that would not be needed, unless Mr. Lemanowicz felt that there is some basis for it, in which case it would be 6 of 1 and a half dozen of the other. But, if they save some time, effort, and expense and Mr. Lemanowicz feels comfortable waiving it (because we are only talking about a small back corner of the property), then perhaps it makes sense to separate it out and deal with it by itself at the outset.

Mr. Lemanowicz said that he we have dealt somewhat with flood proofing already (referring to a discussion of the sump pumps and battery backup), therefore he felt that, based upon the testimony that has been given about where this construction is going to occur relative to the flood plain, he did not see that much more effort is required.

Mrs. Raimer asked Mr. Lemanowicz if he was satisfied that the applicants have done enough to compensate for stormwater runoff.

Mr. Lemanowicz replied that the issue here is that the soils are anticipated to be very poor as far as permeability. We have already had discussions that the sump pumps run fairly regularly. He did not think that drywells will work here based upon Mr. Murphy's testimony. With respect to a rain garden, he said that that is an alternative. Being that it is above ground, he said that it would probably work a little better than something that is below ground, but there is an obvious concern about water borne insects and the complications that they can bring to a family. Getting into how long it would take a rain garden to drain would require some soil investigations and such but, given the location of the site, he said that he would agree with Mr. Murphy that it would take a while to drain and could produce enough time for mosquitoes to develop. He said that it is not a great candidate for additional stormwater management.

Mr. Murphy noted that, in addition to the removal of the existing patio, one of the things that was shown on the Yeager survey was the asphalt driveway that went all the way to the back of the property that Mr. Truffini had removed, which is a major decrease from what was there when the Truffini's purchased the property. He said that any water coming off of the house and driveway areas have that much more grass to absorb into.

Mr. Lemanowicz said that, short of getting into an underground detention system with a drain that goes out to the ditch (which would require a lot of permitting) and, given the size of the application, the detention system would probably be a substantial portion of the entire project cost.

Dr. Behr asked either Mr. Truffini or Mr. Ferrara to address the required proofs, as noted in Mr. O'Brien's report.

Mr. Ferrara said that, in summary, the applicant has tried to minimize the impact of proposed addition. In terms of the function of the house, flow, and entertainment and family value, he felt that they have come up with a reasonable solution. He said that the proposal will have a minimal impact on the side yard setback and meets the conditions on the south side of the property. In terms of the new addition, he said that they have eliminated the existing deck and existing gravel impervious surface and replaced it with a building, so there is really no additional impact. He said that they are aware of some of the constrictions of the driveway and access to the garage, but he felt closed that they came close to doing as best they could without any major impact on what currently exists, adding that he felt they made it a "touch" better.

In response to Mrs. Raimer, Mr. Ferrara said that a couple of architectural features that are consistent with the neighborhood are sloped roofs. He believed that he lessened the impact on the streetscape by having the addition towards the rear. In terms of the building, he said that there are existing one and two-story house in the neighborhood. He felt that it is still in the vernacular of Passaic Ave., noting that there are a variety of homes of different styles such as ranches and capes, with different siding materials. He felt that some diversity is the mark of a good neighborhood. He said that he did not think that they have "stretched the limits" and felt that the proposed addition fits well within the neighborhood vernacular.

As the hardship criteria, he said that what is most evident is the narrowness of the site which leads to two forms of additions – either an extension to the rear or on top, or both. He said that no extensions to the sides are really possible other than the couple of inches they are looking for, so it is undersized for the particular zone that it is in in terms of lot size (about ½ of the required minimum lot size) and the width (also about half of the minimum required), so already there is a constriction on what the applicants are allowed to do. He said that anything they do has an impact, not only in the side yard, but in lot coverage, and also in dealing with the wetlands issues towards the rear.

Mr. Truffini said that he appreciated the Board's consideration. He said that he and his wife love the area and their neighborhood. He said that they love their home and where it is situation. He said that he also felt that their dwelling has a sense of style that is not just a "cookie cutter" of everybody else doing the path of least resistance which would be adding a second floor. He said that they also considered the cost to reconfigure everything and move the entire flow of the house

and decided that it was not something that they really needed or wanted to do. He said that they are trying to be modest with the project and address their needs and not be “fat” on anything.

The Board began its deliberations.

Mrs. Raimer said that, before beginning conclusion, what troubled her most about the application was, as Dr. Behr had pointed out, that she felt that the property could be developed in accordance with the Ordinance and still satisfy the needs of the applicants’ family. In light of the fact that when the Board is required to address the proofs and look at undue hardship, the hardship is supposed to be to the land and not to the family applying for the requested relief. However towards the end, with the help of Mr. Ferrara and some leading questions, she felt that the Mr. Truffini was able to establish that his property is, to some extent, suffering from undue hardships in several ways – the undersized lot, the narrowness of the lot, the wetlands to the rear, and the drainage ditch – there are things going on on the property that *can* establish that there is an undue hardship relative to the specific piece of property so that we are not confined to looking at the fact that you need to develop in accordance with the Ordinance, but that there is also the option of looking at this undue hardship. With regard to the negative criteria, she did not believe that the applicants are impacting their neighbors or surrounding property in a way that is detrimental. She felt that the proposal is consistent with the mix of older and new homes in the neighborhood of varying sizes and floor heights. She felt that the applicants have done as much as they possibly could do to address stormwater collection. To the extent that the required proofs allow, she said that she would grant approval of the application without reservation. She asked that, if the Board were to grant the application, the members consider a few conditions such as creating a consistent exterior (regardless of the exterior that is chosen) and making sure that there is adequate sump pump protection. She was pleased that a young family has made every effort to try and stay in our community rather than move away and thanked the applicants for a good job.

Mr. Pesce said that he, too, was initially concerned if it was possible to go up rather than back and accomplish what is needed. However, he became convinced by the testimony that that floor plan would not be realistic and wouldn’t really work. He felt that the applicants were relegated to the modest addition the way they laid it out and he agreed that the hardship is generated by the uniqueness of the property. Regarding the drainage issue, he said that he was not terribly concerned because he felt that we end up with a “wash” in terms of impervious coverage. He said that the existing lot coverage, although well in excess of our Ordinance, seems to somehow work. He said that it doesn’t work in the normal ways or in the bells and whistles that we have become accustomed to conditioning applications on, but it drains and he felt that there was no reason to think that the change in how the lot is covered is going to have an impact. He also felt that the Development Permit Waiver is a given and said that he would be supportive of it.

Mr. Ruiz concurred with his fellow colleagues. He felt that the aesthetics of the proposed addition look nice. He said that he walks down Passaic Ave. quite a bit and has seen configurations such as this in the neighborhood and, therefore, felt it will match what is there. He felt that the applicants did a good job in presenting the impervious coverage and minimizing the space.

Mr. Gerecht concurred and also moved to waive the requirement for a Development Permit. He felt that the property has a unique problem with the narrowness of it. He said that there is not much you can do with it as far as making the house much bigger. He said that it seemed to be the “norm” on Passaic Ave. *not* to have a house look like everyone else’s, except for the subject house and the one next to it, which are the only two houses that look similar to each other. He felt that there are so many different variations of houses on the street that there is no general theme, which gives it its character. He agreed that the drainage seems to work and noted that there have been no complaints by neighbors regarding drainage onto their property. He said that he would vote in favor of the application.

Dr. Behr said that he disagreed with the other members of the Board. He said that, without question, the site is constrained and, therefore, presents some serious problems of the applicant in trying to meet their goals of taking care of their family and dealing with a very narrow lot. In addition, he said that there is really not the kind of additional stormwater enhancements that

typically this Board looks for when we are allowing a lot coverage in excess of what is permitted and the lot coverage for site, while the applicants have reduced it, is still *significantly* in excess of what we like to see. He said that he was concerned about the fact that the proposed addition is going to, by virtue of the sump pump, be contributing more water to the flood problem in Long Hill Township and he did not think that is a desirable thing. He was not convinced that the architectural solution was the only possible solution or even the most desirable and he felt that the flood issues with the property, which he felt are serious, could have been mitigated by a different design. He said that the fact that the second part of the house is moved all the way to back, he did not believe is architecturally integrated with the existing dwelling, nor did he see anything that would make it integrated with the rest of the neighborhood. He said that he would vote *against* the application.

Mr. O'Brien stated the conditions that were previously discussed.

Discussion of the window treatment on the front elevation of the proposed addition followed. It was agreed that two front facing windows to the small "box" containing the stairwell and closet for the second floor will be added to the plan.

Upon a poll of the Board, it was agreed that a rain garden need *not* be provided.

Mr. Lemanowicz said that his 6/20/11 report lists some conditions. He said that the only one he would revise is Condition 7c which currently says "N.J.D.E.P. Letter of Interpretation for Wetlands". He said that he would change that to "Appropriate permits and approvals from the N.J.D.E.P. for the proposed work in wetland or wetland transition areas". He agreed that there are ways that may be more economical and more efficient than a L.O.I. and then a permit.

Mr. Hoffman suggested that it would be appropriate in light of the deliberations for someone to offer a motion to grant the assorted bulk variance relief sought by the applicants, as well as to grant a Development Permit Waiver.

Mr. Gerecht made such a motion which was seconded by Mr. Ruiz.

A roll call vote was taken.

Those in favor: Mrs. Raimer (to both), Mr. Gerecht (to both), Mr. Ruiz (to both), Mr. Pesce (to both), and Dr. Behr (as to the Development Permit Waiver only). Those opposed: Dr. Behr (as to bulk variances only).

Dr. Behr congratulated Mr. Truffini and wished him luck.

The meeting adjourned at 10:40 P.M.

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DAWN V. WOLFE  
Planning & Zoning Administrator







