

MINUTES

JUNE 19, 2012

BOARD OF ADJUSTMENT

LONG HILL TOWNSHIP

CALL TO ORDER AND STATEMENT OF COMPLIANCE

The Chairman, Dr. Behr, called the meeting to order at 8:02 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, 2012.

PLEDGE OF ALLEGIANCE

ROLL CALL

On a call of the roll the following were present:

E. Thomas Behr, Chairman
Christopher Collins, Member
John Fagnoli, Member
Edwin F. Gerecht, Jr., Member
Felix Ruiz, Member

Michael Pesce, 1st Alternate
Richard Keegan, 2nd Alternate

Barry Hoffman, Bd. Attorney
Thomas Lemanowicz, Bd. Engineer
Kevin O'Brien, Twp. Planner
Dawn Wolfe, Planning & Zoning Administrator

Excused: Sandi Raimer, Vice Chairman
Maureen Malloy, Member

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EXECUTIVE SESSION

It was determined that there was no need to hold an executive session.

RESOLUTION OF MEMORIALIZATION

PARTHENON REALTY, LLC

Valley Road
Block 11301, Lot 4

**#11-08Z
Use Variance
Prelim./Final Site Plan
Bulk Variances**

The Board of Adjustment memorialized the annexed Resolution of approval for Parthenon Realty, LLC (App. No. 11-08Z), as amended, on motion by Mr. Gerecht and seconded by Mr. Ruiz.

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

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ANTHONY & KATHRYN BONTOMASE

149 North Avenue
Block 13003, Lot 2

#12-01Z

Bulk Variances

Present: Anthony Bontomase, co-applicant
Patrick Jones, licensed professional architect

Proof of Service was submitted.

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

Mr. Anthony Bontomase, co-applicant, was sworn. He and his wife have owned the subject property for 9 years. The lot is improved with a cape cod style dwelling in which they reside together with their children.

The Bontomase's seek permission to expand the first and second floors of their existing dwelling in accordance with plans of the proposed addition (inclusive of a plot plan, an aerial map, zoning information, and floor plans and elevations of the proposed enlarged dwelling), same being prepared by Majewski/Jones, Architects.

The following relief was requested: Insufficient front yard setback: 50' required; the existing dwelling is set back 25.6' and, following the requested enlargement, the proposed dwelling will be set back 18' 7.5"; Insufficient Lot Area: 30,000 S.F required whereas the subject lot contains 7,250 S.F.; Permitted Lot Coverage: Maximum permitted is 20%; the existing lot coverage is 30.1% and the proposed lot coverage will be increased to 31.3%; Driveway Offset: driveways are required to be offset at least 5' from property lines whereas the existing driveway along the southerly side of the property has 0' offset; Other Continuing Deficiencies: the property is deficient in its minimum required lot width and in its required side yard setbacks. These conditions were approved by variance many years ago and are not proposed to be enlarged or intensified by the present application.

Mr. Bontomase testified in support of the application. He stated that the proposed building footprint will be somewhat larger than that of the existing dwelling. There will be an additional bedroom and bath added to the second floor. An existing cupola will be removed from the development proposal. The siding of the entire dwelling will be replaced. The rear 15' of the driveway will remain as grass rather than be paved. He noted that the proposed new exterior lighting at the property will not be intrusive. The lights will not turn on by sensors or motion detectors.

Board members and Mr. Lemanowicz questioned Mr. Bontomase with regard to the proposed stormwater controls in the application. The applicants propose to use rain barrels to collect runoff and return a portion of the driveway to pervious coverage (grass) that will effectively reduce coverage to approximate present day conditions. In short, the stormwater management plan can be described as minimal, at best. Mr. Lemanowicz projected that, by utilization of the methodology described, it would require that the applicants retain over 2,000 gallons of stormwater to effectively reproduce runoff rates from the site if the 20% lot coverage requirement of the Ordinance were met. In view of the small size of the subject lot, the addition of a drywell will necessarily involve a variance from Sec. 142.1(d) of the Ordinance (which section requires an offset distance of at least 50' from a critical area (the drywell) and the principal building. The Board noted its approval of this further variance.

There was no public input submitted at the hearing.

The Board received and considered reports on the application from Mr. O'Brien, Mr. Lemanowicz, the Environmental Commission, the Police Dept., and the Morris County Planning Board. As noted in its report, the Environmental Commission stated that the application lacked the necessary stormwater calculations and plans for water run-off. Without this information, the agency was unable to properly review the application.

The applicants were not particularly amenable to modifying the proposed development plans in accordance with stormwater management recommendations which were made by Mr. Lemanowicz.

After review the evidence submitted, the Board concluded that subject to revision the plans to address the findings and conclusions expressed, the applicants have sustained their burden of showing that the strict application of the zoning regulations will result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the owners of the subject property. Additionally, the Board found that the purposes of the M.L.U.L. will be advanced by the requested deviations from the zoning requirements and that the benefits to be derived therefrom will substantially outweigh any detriments associated therewith. The small size of the subject property presents a hardship to the applicants and warrants a grant of the requested bulk variance relief.

The Board also found that the applicants have demonstrated that the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the Zone Plan and Zoning Ordinance.

The Board discussed and imposed the following conditions:

- Applicants shall submit proof of payment of real estate taxes through the 2nd quarter of 2012.
- Plans shall be revised in the following respects and documents and dated shall be supplied, all of which shall be satisfactory to the Board's Engineering Consultant:
 - a. Correct the titles of the east and west elevations on the architect's plans.
 - b. Add measuring locations for spot elevations utilized in determining building height (Paragraph 1 in General Comments contained in Mr. Lemanowicz's report dated 6/13/12).
 - c. Revise the plans for the rear 15' of the driveway to show that the paved driveway had been removed and replaced with top soil and seeding or other suitable landscaping. Adjust the lot coverage calculations to reflect the revisions made to such plans (inclusive of those agreed to at the June 19, 2012 meeting), including the relocated pad for the air condition unit.
 - d. Change the exterior lighting flood lights to those agreed to at the hearing, and, in any event, without having the feature of being activated by a motion detector or sensors.
 - e. Remove the proposed cupola from the roof of the dwelling.
 - f. Show the location of the air conditioning unit on the north side of the dwelling approximately 8' from the front of the house near the current electric service and window well.
 - g. Show the height on the plans, along with the spot elevations used to determine the building height.
 - h. Remove the broken stones in front of the driveway and provide for a uniform surface upon completion of this work.
 - i. Provide for installation of a drywell in the front yard of the house, if possible, same to be of a size and with details acceptable to the Board's Engineering Consultant. If it is not possible to install the drywell entirely within the front yard of the property as determined by such consultant, provide for the stormwater management facilities to be installed at an alternative location acceptable to such Township Official. The drywell is to be approximately 6' in diameter and 6' deep pursuant to discussions by Mr. Lemanowicz.
 - j. Revise the impervious lot coverage calculations.

The applicants shall post funds with the Township to satisfy any deficiency in the developer's escrow account.

Mr. Gerecht made a motion to approve the application with the above conditions which was seconded by Mr. Fagnoli.

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

Dr. Behr explained that the Board Attorney will prepare a draft Resolution containing the conditions discussed which will be memorialized within the next 45 days. The applicants will receive a copy of the draft Resolution for review and comment prior to the memorialization.

The meeting adjourned at 11:15 P.M.

DAWN V. WOLFE
Planning & Zoning Administrator

