

**MINUTES**

**MAY 21, 2013**

**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 December, 2012.

**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

Michael Pesce, 1st Alternate  
Richard Keegan, 2<sup>nd</sup> Alternate

Barry Hoffman, Bd. Attorney  
Thomas Lemanowicz, Bd. Engineer  
Kevin O'Brien, Twp. Planner

Excused: Jerry Aroneo, Member  
John Fagnoli, Member  
Maureen Malloy, Member  
Felix Ruiz, Member

Dawn Wolfe, Planning & Zoning Administrator

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**EXECUTIVE SESSION**

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

**APPROVAL OF MINUTES**

The minutes of January 22, 2013 were approved as written on motion by Mr. Gerecht and seconded by Mr. Keegan. Mr. Pesce abstained as he was not present at that meeting.

The minutes of February 19, 2013 were approved as written on motion by Mr. Gerecht and seconded by Mr. Pesce.

**RESOLUTION OF MEMORIALIZATION**

**ROBERT & MARTHA HEINKEL**

204 Oaks Road  
Block 12402, Lot 3

**#09-09Z  
Bulk Variances  
Development Permit  
Var./Waiver from Ordinance  
Requirement to Install Stormwater  
Mgt. Facilities**

The Board of Adjustment memorialized the annexed Resolution of Approval for Robert & Martha Heinkel as written on motion by Mrs. Raimer and seconded by Mr. Gerecht.

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

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**PUBLIC HEARING**

**SEAN DIAMOND & LAUREN MAZUR**

**#13-01Z**

100 Lackawanna Blvd.  
Block 11105, Lot 36

**Bulk Variances**

Present: Sean Diamond & Lauren Mazur, co-applicants

Sharon Palmer, certified shorthand reporter

Proof of service was submitted.

Sean Diamond and Lauren Mazur, co-applicants, were sworn.

Mr. Diamond said that he and his wife were requesting permission to add a 12' x 12' one story kitchen addition and a 12' x 16' open deck onto the rear of their dwelling. He said that the maximum permitted lot coverage is 20% and the current lot coverage is 23.22%, whereas a lot coverage of 26% is proposed. He said that nonconforming pre-existing conditions include insufficient lot area and front and side yard setbacks, as well as insufficient lot width.

In response to Dr. Behr, Mr. Diamond said that the existing kitchen is very small and cramped.

In response to Mrs. Malloy, Ms. Mazur said that the existing kitchen is awkward because of the way it is situated with an open area that is also combined with a hallway and dining area, however the actual kitchen portion measures about 7' x 9.5'. She said that all of her appliances are within that space and she cannot open the dishwasher and the refrigerator door at the same time.

Mrs. Raimer noted that in the Technical Comments contained in Mr. Lemanowicz's report, he talks about the importance of maintaining stormwater control and efforts to mitigate any runoff on the property. She asked Mr. Diamond what he was thinking about doing to address such concerns.

Mr. Diamond said that currently the roof drains into the existing gutters which come down leader pipes that connect into a pipe at the edge of the house which runs underground out to the street. For the deck area, he said that water would fall through the deck cracks and for the roof of the kitchen they are proposing to have a gutter run along the rear of the house and feed into that same underground pipe that runs out to the street.

In response to Mrs. Raimer, Mr. Diamond confirmed that the subject property is directly across the street from property that is currently under construction. He said that he has not noticed any additional runoff or changes how the water is on the block as a result of that construction.

Mrs. Raimer asked Mr. Lemanowicz if he foresaw any water issues as a result of the current construction across the street and the proposed construction by the applicants.

Mr. Lemanowicz replied that the other property (across the street) drains away from the street and the subject property, while the front yard goes towards the street, the rear yard appears to slope towards the back, and the house is located on the high spot. While it is tipped slightly towards the side towards the railroad tracks, it also goes to the front and back at the same time, therefore the water from the addition would go to the rear where there are probably two more

houses and then the railroad embankment. He said that there are things about the subject property that are unique. When he went out to the property, he said that he was trying to figure out where the pipe that the existing leaders are connected to goes. He said that it goes towards the road and there is no inlet or manhole for it to connect to and it doesn't "daylight". He said that there are a number of possibilities. First, it is PVC so it is not original to the house (which was built in 1948), therefore it was upgraded recently.

Mr. Diamond said that he had contacted the previous owners who indicated to him that they did not install the underground pipe and that it was there when they bought the house.

Mr. Lemanowicz said that it could be a "blind connection" into the storm sewer which means that they just cut a hole in the pipe, connected it, then filled it in. He said that there is no evidence of a patch in the road and doing that with drainage is "odd although not impossible. Another possibility is that they found the sanitary lateral and just connected to that (which is improper). A third possibility is that there is already a drywell in the front yard that they just could not find because it is buried. He said that he did not see any evidence of water issues and the property is relatively flat although it gets a little steeper as it heads south, however it flattens out as you come towards the house so you will not get a lot of velocity. He said that the Ordinance also exempts new impervious cover of less than 400 S.F. and the applicant is proposing something like 338 S.F. However, he said that as the Board knows it has been their policy that if we can get the property down to the allowable 20%, we try to do that.

Mr. Diamond said that another suggestion made by Mr. Lemanowicz was to take a snake and feed it down the pipe to see how far it extends. From where it enters the ground to the street is 53' and the longest snake they could find was 40', but they fed it in and it went cleanly 40' out without obstruction, so he assumed that it terminated at 13' from the road.

Mr. Lemanowicz said that that would probably eliminate a drywell because it would have hit the drywell by then. He said that it seemed like it is going towards the street.

Since the applicant had reported that there was no smell coming from it, Dr. Behr asked Mr. Lemanowicz if it could be safely ruled out that this is an illegal connection into the sanitary sewer.

Mr. Lemanowicz replied that whoever put it in might have been smart enough to put a trap in the line so that you would not get the sewer gas. He said that the only real way to find out is to test the sewer via a smoke test or get inside the house with a camera and send the camera to a lateral to see if you see something else coming in because a sanitary as a blind connection is typical and you don't see a manhole every time somebody's lateral comes in.

Dr. Behr said that the larger concern is with the sewerage treatment and the problems that we have in town with inflow and infiltration.

Mr. Pesce expressed confusion. He said that the Mr. Diamond said that he was going to take the new runoff created by the kitchen addition and tie into the pipe leading from the front of the house, but he thought that Mr. Lemanowicz had indicated that the pitch is not necessarily to the front from the back of the house.

Mr. Lemanowicz replied that the surface grade isn't but the pipe can go underground and go against grade. From a pitch standpoint, he said that it is possible.

In response to Dr. Behr, Mr. Lemanowicz said that the runoff would go towards the street in a pipe (wherever it goes now). He also agreed that, if that is an illegal hookup to the sanitary sewer, that would be an *additional* quantity of water going into the sanitary sewer.

In response to Mrs. Raimer, Mr. Diamond said that he and his wife purchased the house in 2009.

In response to Mr. Gerecht, Mr. Diamond said that they have never had an issue on their property in terms of puddles or streams of water going through the property to someone else's. He acknowledged that a 12.25' wide x 10.25' long shed still exists on his property and is used for storage of his lawnmower and some garden tools. He said that it is possible that a smaller shed would meet his needs.

Dr. Behr said that his concern would be how much lot coverage you would be saving.

Mr. Keegan said that, from someone who has a one car garage and a shed, you cannot reduce it in size. He said that he guaranteed it will be filled and, if children arrive in the future, the garage and shed will be maxed to capacity.

Mr. Gerecht said that he was not mentioning it as a mandatory thing, he was just looking to see some ways of eliminating some ground coverage.

Mr. Diamond said that he has a basement which was finished by the prior owners. He thought that they had a French drain installed which feeds to a sump pump in the corner which comes out in a corner through the foundation and into the "mystery" pipe that runs out to the street. He said that the basement is carpeted and has never had any water issues.

In response to Dr. Behr, Mr. Diamond said that during storms the sump pump comes on. It does not run continuously, but comes on at intervals which decrease in time after the storm.

Mr. Keegan referred to the Skrivanich application (across the street) and recalled that there were questions in terms of the soil content for the drywells. He asked if they were ultimately resolved.

Mr. Lemanowicz said that the applicants ended up with a drywell on that property and noted that theirs was a *substantial* addition (perhaps doubling the size of the house). He said that soil tests were performed and the soils were not great, but they did have some permeability.

Mr. Keegan asked Mr. Lemanowicz if, since it is directly across the street, he felt that the soils would be fairly similar.

Mr. Lemanowicz replied that it is possible. He said that he has seen soils change very quickly. Given that it is at the bottom near the railroad which is flat, he said they are *probably* similar.

Should a drywell be added to the stormwater provisions here, he asked Mr. Lemanowicz what that would entail.

Mr. Lemanowicz replied that the best place to put it would be to use that existing pipe and basically interrupt the pipe with a drywell so that the pipe would come in, fill the drywell first, and then overflow to wherever it is going now so that you would have a positive drain when the drywell is full.

Mr. Gerecht felt that it is most important to figure out where the pipe goes. He said that if it goes into the storm system, that is probably good, and if it goes into the sewerage system, it is bad.

In response to Dr. Behr, Mr. Lemanowicz said that if there is a trap in the line, there is no way to verify if it went into the storm system. If there isn't a trap in the line, he said that you could drop a smoke pellet into the sanitary sewer and you would see everything.

Mr. O'Brien asked if there could be a trap between the house and the street and, if there is, it would have to be underground.

Mr. Lemanowicz replied that there is not a trap – New Jersey doesn't do that. He said that if there was a trap between the roof leader and the lateral, whoever did it would have to have some knowledge but it is not impossible. After further discussion, he said that you would come down from the leader, go underground, and there would be an elbow and there *could* be a trap right there.

Mr. Diamond said that when he fed the snake through, it never seemed to bend.

Mr. Lemanowicz replied that he did not find a trap then.

In response to Dr. Behr, Mr. Lemanowicz said that another thing that could be done would be to take the roof leader off and send a camera down the roof leader pipe. He said that you would be able to tell if you were in a storm system or a sanitary sewer because a sanitary sewer would be 8" and a storm sewer would be 12"-15". He said that you would be able to tell where you were if you had a long enough camera line to get into wherever that thing goes. He said that another possibility is, if the drywell is 30' away from the house and still in the front yard but it is 8' deep and it curved and never reached the bottom of the drywell before running out of snake, there could be a drywell there. He said that it is hard to tell. He said that he looked at the lawn to see if there was a place where the grass looked different but there really wasn't a spot.

In response to Dr. Behr, Ms. Mazur said that the prior owners lived in the house about 8 years and she and her husband have lived in it for 4 years.

In response to Mr. Diamond, Mr. Lemanowicz said that *generally* the sanitary sewer is in the middle of the road and the storm sewer is on the edge and *usually* the sanitary sewer is deeper. He said that PVC is relatively recent and the road is old and he did not see a patch, however he said that it *could* have been overlaid 10 years ago. He said that it is possible that they reached the storm sewer if it was close enough to the edge.

Mr. Diamond said that the pipe from the sump pump of the house 4 hours up from his comes right out into the road and actually feeds into the road and gutter. He said that his neighbor has the same type of setup and you can see it and he said his neighbor told him that during the winter when there is slush on the ground you can see an outline of melted track right along the grass where the pipe is close to the surface. He said that, if his is the same, it could be at the same depth.

Mr. Lemanowicz said that not knowing when it was done and the history of the road and when it was paved, it is hard to say where it goes. He said that it could be a blind connection into the storm sewer and they may have been able to do that without getting under the road that far. Without a curb there, he said that you might get it.

Mr. Pesce asked, if Mr. Diamond had a longer snake, would that have told us anything?

Mr. Lemanowicz said that it *could* stop. He said that it depends on how easy the snake goes around the bend. He said that he would think that if they did a blind connection, they did it straight in.

Mr. Pesce said that he was trying to determine if there is a relatively inexpensive way without cameras to rule out the tie-in to the sanitary system, which he believed is the greater concern here. Even if it is not 100%, he asked if it would give us a greater comfort level than we have now.

Mr. Hoffman asked Mr. Diamond if he would consider delegating that rather technical subject of whether the disposition of the pipe has been shown satisfactorily to his engineer. He felt that it is clear from the uncontroverted testimony of the applicant that there is no water problem that exists, but the question is should you be issuing approvals where it is known that the pipe is an unknown without having an engineering signing saying I am comfortable.

Dr. Behr felt that that would be a lot to place on a condition.

Mr. Gerecht agreed and said that, if that condition fails, then it is a whole new ballgame.

Mr. Pesce did not believe that that would be any worse than a continued hearing.

Mr. Gerecht agreed.

In response to Mr. Lemanowicz, Mr. Diamond said that they have their washer downstairs. He said that the main shutoff is on the wall closest to the street. He said that he can see the drain from the washer and it feeds up and goes into a pipe, although he was not sure where the pipe goes.

Mr. Lemanowicz replied that that would go to the sanitary sewer.

Ms. Mazur said that the existing plumbing in the basement includes the washer and they also have a wooden panel that they unscrew where the main shutoff is for the plumbing. She said that she was asking if the water line that feeds into that main panel is related to the sanitary sewer. If so, she said that the piping on the wall where the shut-off is goes out to the right of their home where the leader that is connected to the gutters goes out to the left.

Mr. Lemanowicz replied that if you are seeing valves, that is not your sanitary. He said that she should be looking for a cast iron pipe (although it might be PVC) that is about 5" in diameter and on it there is a 2" x 2" square knob as it goes out of the house.

Mr. Diamond said that he has seen that and it is right above the washer and dryer which is on the back side of the house.

Dr. Behr explained that the waste pipes from the toilets will flow into a 5" pipe and there is a clean-out with a small square which will allow you to unscrew a cap so that you could clean the line out if needed, and that does go into the sanitary sewer.

Mr. Diamond said that he thought that is right above the washer and dryer. He said that all the toilets are in the back of the house and the PVC pipe is in the front corner of the house.

Mr. Lemanowicz said that what happened is that there used to be a septic in the back yard and when the sanitary came in, it was somehow piped around the house to the street.

Mrs. Raimer asked Mr. Lemanowicz hypothetically if the Board was to place a condition where its approval is pending a finding by him that there is a greater chance than not that it is connected to the storm sewer rather than the sanitary sewer, what tests, how much, and how long would it take, and is this a reasonable request.

Mr. Lemanowicz replied that the only real way to do it would be to TV something. He said that if the original waste pipe went out the back, it would need to be traced all the way around the house. He said that it is quite a distance and he has seen plumbers with these cameras and they can go pretty far with them. He was not sure if you can rent them. He said that it would not be an easy thing to do and you would probably have to call someone with that type of equipment to come out and video the line.

Mr. Pesce asked if the thought of a longer snake would accomplish anything.

Mr. Lemanowicz replied that if it didn't stop, he didn't think you would resolve anything. If it *did* stop, then he said that he would bet it was a blind connection to the storm sewer, but if it *didn't* stop you would still have the same question.

Mr. Keegan asked if the thought was that the PVC pipe, if it ties into the sanitary sewer, would tie in to the lateral for the house.

Mr. Lemanowicz replied, "Correct".

Mr. Keegan asked, given that there was originally a septic which transferred over to sewer, would that pipe be cast iron?

Mr. Lemanowicz replied that when it was brought out for the sewer it may not have been – it may have been PVC depending on how old the sewer is in the street.

Since the sanitary sewer goes out the back and may wrap around the house, if it were cast iron, Mr. Keegan asked if a metal director could be used to figure out where it is.

Mr. Lemanowicz replied that that would be a tough sell. He said that you would probably pick up metal but you don't know what you are picking up.

Mrs. Raimer said that, if you were to do the camera test where you would need a professional to come in with specialized equipment, would it tell you *with certainty* where the pipe leads or would that still be somewhat of an unknown?

Mr. Lemanowicz said that there is a measuring device on the spool of wire so that as you are going down the pipe with a camera that is illuminated, you will be seeing where you are going. He said that, if 20' in you hit a "y" next to another pipe, then you could probably decide you are now in the sanitary. He said that you could follow it through all the way to the street and the sanitary pipe will be no bigger than 8", whereas the storm pipe is probably going to be 12" – 15" and you would be able to see that you are in a pipe that is too big to be a sanitary or not. He said that the camera shouldn't get stuck – it is just a matter of how far you have to go.

Mrs. Raimer asked Mr. Lemanowicz, if a test was run by a specialist with the proper equipment and, hypothetically, it was found to be connected to the sanitary sewer, what would he recommend that the applicant do in that case?

Mr. Lemanowicz replied that, if it is connected into the sanitary sewer, the applicants do not have a valid stormwater control system and then they would have to go through the whole drywell route through the front yard (or maybe in the back yard).

Mr. Pesce asked, since the fact that the proposed addition is less than 400 S.F., does it even give the Board the power to impose such a condition? For example, if the applicants said that they were going to direct the runoff through their leader and into their back yard, would that be permissible?

Mr. Lemanowicz replied that, if it weren't for the variances, they would not be here and, in that case, they would have gone to the Construction Dept. At that point, with less than 400 S.F. of new impervious, the drywell would not have been required. But since they are here asking for a variance and have issues with lot coverage, they are increasing an already nonconforming lot coverage and that gives the Board the ability to ask for things.

Mr. Pesce asked what is the meaning of the Ordinance if we can ignore it?

Mr. Lemanowicz repeated that if weren't for the lot coverage issues and other variances and they were simply adding less than 400 S.F. to an otherwise totally conforming lot and they were not creating a variance, they would not have any requirement to do drainage because they are proposing an addition under 400 S.F.

Dr. Behr said that the law is quite clear that the Board may impose such conditions as it feels are necessary and these might be directly related to the relief in question or they might be other kinds of conditions in addition.

Mr. Hoffman agreed with Dr. Behr.

Dr. Behr said that the sticky issue for him was, following Mrs. Raimer's line of thought, to see if the Board members can satisfy themselves that we *don't* have an illegal connection into the sanitary sewer. He said that the question is, is there a feasible way to do this? He noted that the Township has been doing these tests for 2-3 years now.

Mr. Lemanowicz said that the other possible way is to take the roof leader piece off, turn the washing machine on, empty the washer, and listen and, if you hear gurgling, you found it. However, if there is a trap in the roof leader, it is not going to work because it will probably block the sound.

Mr. Hoffman said that, legally, perhaps what should be done instead of trying to engineer this to the finest degree when there are questions outstanding, instead carry the application for 30 days during which time the applicants would have to produce whatever would satisfy the engineer as to the disposition of the pipe rather than giving approval with a question mark underneath the ground.

Mr. O'Brien added that the Board could resolve the other issues that are in front of it and just leave that one if it so wishes.

Dr. Behr said that the Board would not be granting an approval, they would be communicating to the applicants that the Board is satisfied on all other issues except for that one.

Mr. Pesce noted that it would generate another hearing and the cost that would come with it.

Mrs. Raimer could not weigh the costs on both sides (the cost of another hearing versus the most minimal cost of the testing that would be required) but it seemed to her that as we review the cost for a second hearing in our research, it is possible that that could be where all the money will sit. She said that she would hate for the applicants to have to come back if everything was in order and she *would* feel comfortable issuing a contingent approval, although she did not know how her fellow Board members felt.

Dr. Behr said that that is the "roll of the dice" and what the Board would be doing is saying that it approves it subject to the condition that Mr. Lemanowicz is able to verify to the best of his professional opinion that we do not have a connection to a sanitary sewer from this particular roof leader.

Mr. Hoffman asked if Mr. Lemanowicz felt that that would be overstepping or would he be comfortable with that?

Mr. Lemanowicz replied that what he had planned to do if that condition came with the approval is to go to the house, re-snake the line with a snake that would be long enough to not find a trap, and see where that pipe that comes out of the back of the house and pop that piece apart and have one of the applicants run the washing machine and flush a toilet at the same time to get some good flow in that pipe to see if he hears anything. If he does *not* hear anything, he said that he would be as sure as he can be that that roof leader is not connected to the sanitary sewer because, if there is no trap, and the snake went 30' and there is no sound, no contractor is going to go an extra 30' to connect to a pipe that he is right over.

Mr. Keegan said that the assumption is that if it is *not* tied into the sanitary sewer, it is going into the storm sewer. He then questioned if the Board should go through the due diligence to find out exactly where it *does* terminate.

Mr. Lemanowicz said that it could go into two places right now. If he does this and did not hear anything, then it is *not* going to the sanitary sewer and the only other two places it could be going is to the storm sewer or a drywell in the front yard. At the front corner of the house there is an a good size ornamental tree, so if they *did* add a drywell they would have pushed it further away towards the driveway. So, he may have been able to snake 30' and then as it dropped into a drywell, he ran out of snake – it *is possible*. He said that once we confirm that it is not going to the sanitary sewer, he felt that that is the only worry we've got. Whether it is going to a storm sewer or a drywell after that really doesn't much matter.

Mr. O'Brien said that he and Mr. Lemanowicz met with the applicants as part of the completeness review process and during that time they were given the opportunity to make some technical comments based upon their reading of the plans and were able to convey to the



applicants things that the Board typically looks for and, in the course of their review of the application, some changes were made and they were confident that the application in front of the Board has satisfied most of the Board's general concerns.

In response to Dr. Behr, Mr. O'Brien said that they discussed lighting and house finish and style.

Mr. Hoffman noted that Mr. O'Brien had raised a question in his report of what would be the disposition of covering over an existing window well cover. He asked if it matters and, if so, we should put some kind of condition in the Resolution. If it doesn't matter what the condition is, then so what?

Mr. O'Brien replied that the Board has not heard the testimony on that and asked if the applicants wish to address it.

Mr. Diamond replied that they do. With regard to the basement window that is now going to be covered up by the addition, he said that their builder said that that would become an entryway into the crawl space under the new addition so that you could crawl in and fix pipes if you needed to.

In response to Mr. Gerecht, Mr. Diamond said that there will be no outside access to the crawl space.

In response to Mr. O'Brien, Mr. Diamond said that he had no further comments to make with regard to either of their two reports.

Mr. Hoffman said that Mr. Diamond could read his well written comment/rationale in support of the variance application into the record, however the Board has read it and is familiar with it.

In response to Dr. Behr, Mr. O'Brien and Mr. Lemanowicz agreed that there were no other issues that have not been met to their satisfaction or resolved.

Dr. Behr asked the Board members if they had any other concerns or comments. There being none, the Board began its deliberations.

Mr. Gerecht thanked the Board consultants for their well thought out reports and the help that they gave the applicants during the completeness review. He felt that albeit that the proposed addition does increase the lot coverage, he did not feel that there will be an adverse effect on either the subject property or the properties around it noting that it is a small amount of area. He said that he would be in favor of the application and, as long as we find out where that pipe is going and it is not going somewhere illegally (such as the sanitary sewer), he would not have a problem. He felt that the addition is a well needed one to the house as far as utilization of the kitchen area and the he also felt that the deck addition will be a nice use of the back yard. He did not see any adverse effects of increasing the side yard setback or other variances requested and felt that the proposal is acceptable.

Mrs. Raimer said that the subject property is a pre-existing nonconforming lot and she felt that what the applicants are proposing is reasonable in size and is an addition that is simply making their home more livable. Based on the designs before the Board, she did not feel that the proposal is particularly extravagant and is quite within keeping of the neighborhood and may be modest at that for the neighborhood. She felt that the applicants made a reasonable effort to determine where the water goes and said that it is difficult to know when you are taking a property that was owned by someone else and tracing the whole train of custody in figuring out what everyone else had done. She felt that by making an approval contingent upon the fact that there is not a connection to the sanitary sewer line, in essence, the applicants are satisfying the criteria of the flexible C-2 because what the Board would be doing in granting an approval if it were to do so would outweigh any detriment because, had they not been before the Board and not taken this route, we wouldn't know where the water is going. She applauded the applicants for their patience and diligence and willingness to work with the Board's professionals and said that she hoped it would get them the result they are looking for.

Dr. Behr asked Mrs. Raimer if she would condition an approval on validating that the water does not go into the sanitary sewer system?

Mrs. Raimer replied, “Yes” and Mr. Gerecht also agreed.

Mr. Hoffman said that in the Board Engineer’s professional opinion, it does not appear probable that this pipe has been connected to the sanitary sewer.

Mr. Pesce said that he, too, supported the application and the condition. He thanked Mr. Lemanowicz for his perseverance and his creativity in coming up with what he felt was a practical way to rule out a connection to the sanitary sewer. He felt that the Board has to be mindful of looking to contain costs for applicants for what, in this case, is a very modest addition and we ought not put layers of professional fees on top of that if we can come up with more creative cost effective solutions and he felt the Board has done that.

Mr. Hoffman said that, in order to avoid the necessity of the applicants having to come back and be subject to a further hearing, we simply have to put in a time element that before commencement of the work on the new addition they would have had to have satisfied Mr. Lemanowicz.

Mr. O’Brien said that they would have to satisfy Mr. Lemanowicz before the Resolution is memorialized, otherwise it has got to come back, so it is still open.

Mrs. Raimer said that there may be some fees associated with some adjustments to the Resolution but not the same level of fees that would be required if they were subject to a new hearing.

Dr. Behr said that, typically, once the Board approves a Resolution, the applicants still have to meet all the conditions before the plans are signed and they are able to begin construction.

Mr. O’Brien agreed, but said that this condition becomes a switch which you have to turn on and off. If it is turned off, the applicants have to come back to the Board because now you have got to decide what to do if it *does* go to the sanitary sewer.

Mr. Lemanowicz added, unless you do that now and put in a condition that if he goes out and does *not* hear it they are done and if he goes out and *does* hear it, they will install a drywell of a size to meet whatever criteria you want it to meet, so then there is a definite end and they won’t have to come back because the choice is in the Resolution. He said that the Board would have to give him a number – do you want it to come down to 20%?

Dr. Behr replied, if it had to come down to 20%, what are we talking about? He said that he wanted to do two numbers – 20% and then the current 23.2%.

Mrs. Raimer said that, either way, wouldn’t you want the Resolution to reflect the course of action that is taken, even if you are giving the applicants the potential to go in either direction based upon Mr. Lemanowicz’s finding? She said that you do need it to be modified slightly, regardless of the direction that is taken before it could be finalized. She said that she wanted to be sure that there is an understanding that Mr. Hoffman would get this back to revise to reflect whatever direction this has to go.

In response to Mr. Hoffman, Mrs. Raimer said that the Board would authorize him to make an adjustment to it.

Mr. O’Brien said, “To accept the report from Mr. Lemanowicz which would dictate the finding in the Resolution”. He said that the Resolution would state which direction the parties have taken. He said that Mr. Lemanowicz would certify that to Mr. Hoffman.

Mrs. Raimer said that she just wanted to make sure that there is an understanding that Mr. Hoffman may have to subject the applicants to a subsequent bill and that it would be misleading of the Board to suggest that there would be no future professional fees associated with this.

Mr. Lemanowicz said that in order to bring the 26% down to 20%, you are talking about 1,600 gallons of drywell storage which would be about 8' in diameter and you would probably need two of them, about 5' deep.

Mr. Pesce asked if there would be any location issues then – are there utility lines running in the front yard, setback issues to be confronted, etc.?

Mr. Lemanowicz said that, from what we believe, the sanitary is coming around the right side of the house, so the water main and the sanitary are already coming out in the front somewhere, therefore it is possible because you have got the driveway and not a lot of yard there.

Mr. Pesce said that, although he liked the concept of having an “A” or a “B”, he was not sure that the “B” isn't fraught with other issues that may not be resolved tonight because nobody has even tried to design this yet.

Mr. Gerecht agreed that there is very little room in the front lawn.

Mr. Lemanowicz said that now that we are trying to think this out, a drywell would be tough to place in the front lawn and you would probably wind up hitting something – either the sanitary or the water service.

Mr. Gerecht asked if a drywell could go in the backyard.

Mr. Lemanowicz replied that you would have to re-run all of the roof leaders.

Mr. Pesce asked, if it is found that it is improperly connected to the sanitary sewer, isn't another option to connect it to the storm sewer?

Mr. Hoffman said that the applicants should have the right to remedy the problem.

Mr. Lemanowicz replied that they could do that but that it would probably need a structure of some kind to get into the storm sewer. He said that he would think that the pipe in the street wouldn't be too shallow and that there would be enough depth to get this into it, but that would be the other option – to get it to go to the right pipe.

Dr. Behr noted that the Board was in the process of deliberating.

In response to Dr. Behr, Mrs. Raimer said that her comments were contingent upon no connection to the sanitary sewer line and she wished to leave it at that.

Mr. Hoffman added, “As determined by Mr. Lemanowicz”.

Mr. Pesce said that, if it is connected to the sanitary sewer, it could be disconnected and then connected to the storm sewer properly in lieu of coming up with a drywell system that has got to be more expensive.

Mr. Lemanowicz acknowledged that a manhole is not going to be cheap.

Mr. O'Brien added, “Or run it over land out to the street” where it winds up in the storm sewer.

In response to Dr. Behr, Mr. Lemanowicz said that, if it was dumped out into the street, it would go down towards the railroad tracks where there is an inlet 2 or 3 houses down.

Mr. Keegan said that he was in favor of the application with the same contingency that the storm water is not going into the sanitary sewer. He felt that the proposal is for a well thought out addition to remedy a functional obsolescence of their 7' x 9' kitchen in the 21<sup>st</sup> century.

In response to Mr. Hoffman, Mr. Lemanowicz said that this would all have to be determined by the time of the memorialization of the Resolution.

Mr. O'Brien said that there really should be an end game to this that, if it does go into the sanitary sewer, what happens?

Mr. Gerecht said that he would have no problem in saying that it would have to either be connected properly to the storm sewer in whatever manner Mr. Lemanowicz feels is correct. He did not think that a drywell is financially feasible on the property.

Mr. Keegan asked if it would complicate things even more if there is found to be an abandoned septic system in the back yard.

Mr. Lemanowicz replied that it *would* be an issue. He said that, if it is found to be connected to the sanitary sewer, it either has to be connected to the storm sewer or, if feasible, discharged at the gutter of the road.

Dr. Behr said that he agreed with his fellow Board members for the reasons given conditioned on the fact that we first need to verify to the best of Mr. Lemanowicz's knowledge that there is no connection into the sanitary sewer. Should that be found to be the case, then the leader that is not only going to contain what is coming off of the house now but what will be added to it, must be run so that it exits into the storm sewer.

Mr. O'Brien added that the Resolution would follow that determination, which would be issued by Mr. Lemanowicz to Mr. Hoffman, the Board and the applicants.

In response to Mr. O'Brien, Mr. Diamond said that he and his wife meant to add that, in their opinion, the benefits of the application outweigh the detriments of it in terms of the Township and the M.L.U.L. He had no further comments.

Mr. Gerecht made a motion to approve the application with the conditions as stated which was seconded by Mrs. Raimer.

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

Mr. Diamond thanked the Board for its time and comments and said that he and his wife were very excited about their proposal.

Mr. Lemanowicz advised the applicants that he could be at their home next Tuesday evening at about 6:30 PM to try to ascertain to a reasonable degree whether or not the stormwater drains(s) are connected to the sanitary sewer system.

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**ANNUAL REPORT ON VARIANCES HEARD BY BOARD OF ADJUSTMENT**

After discussion, the Board expressed some concern that pending applications could be construed as the Board delaying hearings. It was suggested that, in the future, pending applications be distinguished to show the actual status such as: waiting for the application to proceed; application incomplete, etc.

The Board of Adjustment adopted the annexed Annual Report on Variances Heard by the Board of Adjustment on motion by Mrs. Raimer and seconded by Mr. Pesce.

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

There being no further business, the meeting adjourned at 9:30 P.M.

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DAWN V. WOLFE  
Planning & Zoning Administrator





