

MINUTES

MAY 6, 2014

BOARD OF ADJUSTMENT

LONG HILL TOWNSHIP

CALL TO ORDER AND STATEMENT OF COMPLIANCE

The Chairman, Dr. Behr, called the meeting to order at 8:03 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.

MEETING CUT-OFF

Chairman Behr read the following statement: Announcement is made that as a matter of procedure, it is the intention of the Board of Adjustment not to continue any matter past 11:00 P.M. at any Regular or Special Meeting of the Board unless a motion is passed by the members then present to extend the meeting to a later specified cut-off time.

CELL PHONES AND PAGERS

Chairman Behr read the following statement: All in attendance are requested to turn off cell phones and pagers as they interfere with the court room taping mechanism.

PLEDGE OF ALLEGIANCE

ROLL CALL

On a call of the roll the following were present:

Excused:

E. Thomas Behr, Chairman
Edwin F. Gerecht, Jr., Member
Michael Pesce, Member
Richard Keegan, Member
Michael O'Mullan, 1st Alternate
Michael Pudlak, 2nd Alternate

Sandi Raimer, Vice Chairman
Jerry Aroneo, Member
Felix Ruiz, Member (recused)

Thomas Lemanowicz, Bd. Engineer
Kevin O'Brien, Twp. Planner
Dan Bernstein, Bd. Attorney
Cyndi Kiefer, Planning & Zoning Secretary

Barry Hoffman, Bd. Attorney

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EXECUTIVE SESSION

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

PUBLIC HEARING

PHIL FEINBERG
7 Skyview Terrace
Block 13201, Lot 8

#13-06Z
Bulk Variance, Relief from
Secs. 142.1a, 142.1d, and 146.6q

PROOF OF SERVICE PROVIDED

Present:

Phil Feinberg, Applicant
Mario Parisi, Neighbor

Phil Feinberg applied to the Zoning Board of Adjustment of the Township of Long Hill for permission to install an in-ground pool and paver patio and to retain a driveway extension on his residential lot which is located at 7 Skyview Terrace, Stirling, and known as Lot 8, Block 13201 on the Long Hill Township Tax Map, which premises are located in the R-2 Zone.

The application was presented by Phil Feinberg, Civil Engineer and Professional Planner William F. Voss, P.E. and P.P., and Mario Parisi, Jr., neighbor, at the May 6, 2013 Board of Adjustment meeting, and reviewed by Township Planner Kevin O'Brien, P.P. of the firm of Shamrock Enterprises, Ltd. and Zoning Board Engineer Thomas Lemanowicz, P.E. of the firm of Remington & Vernick Engineers.

The Board, after carefully considering the evidence presented by the applicant and the Zoning Board Professionals, made the following factual findings:

The subject property is an irregularly shaped lot containing 33,182 square feet. It has 191.44 feet of frontage along a bend in Skyview Terrace. The site is improved with an existing residence, a driveway and a deck.

Both the front and rear of the property are constrained with slopes of more than 15%, which under the Long Hill Township Zoning Ordinance are considered critical areas. The critical areas encompass 22,536 square feet or 67.9% of the site, leaving 10,646 square feet or 32.1% of the site in a noncritical area. The high point of the site is on the northeast corner at an elevation of 341. The low point of the site is at the southwest corner at an elevation of 306.

The subject property is part of a residential subdivision of upscale residences. To the rear of the site and the adjoining residences is a 7.638 acre Green Acre parcel owned by the Township of Long Hill.

The applicant proposes to remove his deck and to install a 20 foot by 40 foot in-ground swimming pool and paver patio.

Following are the required variances:

1. There is presently 22.88% impervious lot coverage which is proposed to be increased to 27.18% lot coverage, while the Zoning Ordinance limits lot coverage to 20%.
2. The applicant proposes to install an in-ground swimming pool and paver patio partially within a critical area. Swimming pools and paver patios are not allowed within a critical area.
3. Structures must have a rear yard setback of 50 feet from any critical area. Since the proposed construction is within a critical area, there is no rear yard setback.
4. A drywell is proposed within the critical area where it is not permitted.

The applicant extended the driveway by approximately 540 square feet in order to provide better access to their side entry garage. Prior to the driveway extension, the applicant and his wife experienced some accidents maneuvering into the garage. The driveway extension increased lot coverage from about 21.25% to the current 22.88%.

The Board found that the applicant should have gotten approval for the increase in non-permitted lot coverage, but that the driveway extension is reasonable as a safety measure.

The leaders from the residence are currently piped to an inlet in Skyview Terrace. Engineer Voss described a proposed drainage system which directed water from the proposed patio to an underground pipe which would lead to a drywell on the western side of the front of the property. The existing drainage from the roof leaders would likewise be piped to the drywell. An overflow pipe would direct excessive water to the inlet. Only portions of the drainage system described are currently shown on the plans.

The drainage plan, which was presented to the Board, must be revised to the approval of the Zoning Board Engineer for his approval.

The applicant agreed to delete the proposed stairs which are located at the northeastern corner of the proposed paver patio.

The Board recommended and the applicant agreed to install either a fence or to provide a landscape buffer at least 4 feet high at the top of the retaining wall at the rear of the property.

The applicant offered the following justifications for variances:

The application is a classic example of a practical difficulty and undue hardship case under N.J.S.A. 40:55D-70c(1)(a) based on the unusual topography of the site.

The applicant is also entitled to relief under N.J.S.A. 40:55D-70c(2) by advancing the following purposes of the Municipal Land Use Law under N.J.S.A. 40:55D-2:

“a. To encourage municipal action to guide the appropriate use or development of all lands in this State, in a manner which will promote the public health, safety, morals, and general welfare;” By reducing off-site drainage to that produced by 20% lot coverage.

“g. To provide sufficient space in appropriate locations for a variety of agricultural, residential, recreational . . . uses . . . , both public and private, according to their respective environmental requirements in order to meet the needs of all New Jersey citizens.” by the construction of an in-ground swimming pool.

The benefits from the deviations substantially outweigh any detriment.

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.

After deliberations, Mr. Pesce moved and Mr. Gerecht seconded the motion to approve the application subject to the following conditions:

1. The applicant shall provide either a substantial vegetative barrier or a fence at the top of the retaining wall along the northern side of the pool and patio. Said barrier is to be no less than 4 feet high. If the barrier is vegetative, it shall be permanently maintained. Dead, diseased and missing landscaping is to be replaced to the approval of the Zoning Board Engineer.

2. A drainage plan is to be provided which provides additional grading details as required in the report of the Board Engineer and limits off site runoff to that produced by no more than 20% lot coverage. The drainage plan shall pipe runoff from the paver patio and swimming pool to drywell(s). The existing roof drainage from the home is also to be piped to the drywell(s).
3. Remove the proposed northeastern staircase from the rear of the pool deck leading to the back yard.
4. The 5 feet by 35 feet area between the driveway extension and proposed paver patio is to be planted with appropriate vegetation while allowing for a sidewalk for access to the patio.
5. Applicant will verify utility locations on revised plans.
6. Add a retaining wall to the north corner of the driveway extension to provide stabilization.
7. The plans are to be revised to incorporate conditions 1- 6 herein and to incorporate housekeeping items within 60 days of the adoption of the within resolution. The plans are subject to the approval of the Zoning Board Engineer. The applicant shall make further revisions required by the Zoning Board Engineer within 15 days of the request.
8. Applicant to protect the existing trees to the approval of the Zoning Board Engineer.
9. The rear yard fence shown on the plan shall be installed in order to preclude the applicant from landscaping the Green Acres property.
10. The payment of all fees and escrows.
11. Applicant shall submit proof of payment of all real estate taxes through the second quarter of 2014.
12. The swimming pool is proposed to have salt water. The pool shall not be backwashed nor shall the salt water go into the ground or the drainage system.

ROLL CALL VOTE:

Those in Favor: Mr. Gerecht, Mr. Keegan, Mr. Pesce, Mr. O'Mullan, Mr. Pudlak, Chairman Behr

Those Opposed: NONE

Motion for approval passed unanimously.

Meeting was adjourned at 9:58 P.M on motion by Mr. Gerecht and seconded by Mr. Pesce.

CYNTHIA KIEFER
Planning and Zoning Secretary

Date