

**MINUTES V.2**

**SEPTEMBER 2, 2014**

**BOARD OF ADJUSTMENT**

**LONG HILL TOWNSHIP**

**CALL TO ORDER AND STATEMENT OF COMPLIANCE**

The Vice-Chairman, Mr. Gerecht, called the meeting to order at 8:06 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, 2014.

**MEETING CUT-OFF**

Vice-Chairman Gerecht 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**

Vice-Chairman Gerecht 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:

Edwin F. Gerecht jr., Vice-Chairman  
Richard Keegan, Member  
Michael O'Mullan, 1st Alternate  
Michael Pudlak, 2<sup>nd</sup> Alternate

E. Thomas Behr, Chairman  
Sandi Raimer, Member  
Jerry Aroneo, Member  
Michael Pesce, Member  
Felix Ruiz, Member

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

X X X X X X X X X X X X

**EXECUTIVE SESSION**

Vice-Chairman Gerecht requested that the Board go into Executive Session to discuss a personnel matter at 8:10 p.m. The Board reconvened at 8:14 p.m.

**APPROVAL OF MINUTES**

Mr. Pudlak moved approval of the minutes of August 5, 2014 as presented. Mr. Keegan seconded the motion. A Roll Call Vote was taken. Those in Favor: Mr. Keegan, Mr. O'Mullan, Mr. Pudlak, Vice-Chairman Gerecht. Those Opposed: None. Motion for approval was approved unanimously.

**PUBLIC HEARING**

**RICHARD DAUNNO**  
437 South Northfield Road  
Block 10201, Lot 6.01

**#14-05Z**  
Bulk Variances, Development Permit  
Waiver, Unimproved Road

**PROOF OF SERVICE PROVIDED**

Present:

Richard Daunno, Applicant  
James J. Ramentol, R.A., Architect for the Applicant

The applicant, Richard Daunno, and the applicant's architect, James J. Ramentol, were sworn in the by court stenographer.

The Board Planner, Kevin O'Brien, and the Board Engineer, Thomas Lemanowicz, were sworn in by the court stenographer.

Vice-Chairman Gerecht noted that Mr. Ramentol had appeared before this Board before and therefore accepted his qualifications.

Richard Daunno had applied to the Zoning Board of Adjustment of the Township of Long Hill for submission waivers, a planning variance under N.J.S.A. 40:55D-36, bulk variances under N.J.S.A. 40:55D-70c, and a development permit and waiver from the Long Hill Township Flood Control Damage Prevention Ordinance in order to construct a single-family residence on property located at 437 South Northfield Road and designated as Block 10201, Lot 6.01 on the Long Hill Township Tax Map, which premises is located in the R-2 Residential Zone.

The application was presented by Architect James J. Ramentol, R.A. of the firm of GRA Architects and Richard Daunno and reviewed by Zoning Board 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 & Arango Engineers.

The Board made the following factual findings and conclusions:

A. Subject Property.

1. The subject property contains 88,525 square feet. The western side of the property has 540.09 feet of frontage on South Northfield Road, a municipal road which consists of a paved cartway about 15 feet wide in front of the site. While the Zoning Ordinance designates South Northfield Road as the frontage for the property, access is through a driveway on adjoining Lot 6, Block 10201 to the northern side of the property, over which the applicant has an access easement.
2. The site contains 41,056 square feet, or 0.943 acres, of wetlands. Adjoining the wetlands is a wetlands buffer area of 30,875 square feet or 0.709 acres.
3. Located on the site is a vacant, deteriorating 1½ story single-family residence. A frame shed is on the northeastern corner of the site approximately 9 feet from the driveway on Lot 6. Within 110.42 feet of the southern boundary is a cinder block barn approximately 12 feet x 35 feet.

B. Prior Application.

4. Daunno Associates, LLC previously applied to the Long Hill Township Zoning Board in Application #10-05Z for permission to demolish the existing residence and construct a new one on the site. That application was approved and a memorialization resolution was adopted on April 5, 2011. The revisions to the plans which were required in the memorialization resolution were never finalized.
5. Daunno Associates, LLC proposed to construct and sell the new home. Both the existing shed and barn would be removed.
6. The Permit Extension Act is not applicable to the subject property in question which is within Planning Area 5. The previously approved variance has expired pursuant to Section 172.12 of the Township of Long Hill Land Use Ordinance as construction has not commenced within one year of the adoption of the memorialization resolution.

C. The Present Application.

7. Richard Daunno proposed to construct a three bedroom home where he and his wife would reside. The new home would have 1,365 square feet within the footprint of the existing home, which would be removed, and an additional 356 square feet of lot coverage. The second floor would consist of 677 square feet. Attached to the home would be a two-car garage. The first floor would consist of a covered porch, laundry room, pantry, kitchen, dining room, great room, bar, bathrooms and master bedroom. The second floor would consist of two bedrooms and one bathroom.
8. The height of the residence from the lowest grade to the peak of the ridge would be 29 feet, 5 ½ inches.
9. The existing shed would be removed and a new one might be constructed in a conforming location. None is proposed at this time; however, the Board would have no objection to the Zoning Officer approving a conforming shed. The existing barn would be repaired.
10. The applicant has obtained permits for a new well and septic system for the proposed home. The existing septic and well would be decommissioned.
11. The residence which was proposed in 2011 and the currently proposed home would be located substantially within the footprint of the existing home, which is partially located within a wetlands transition area. The New Jersey Department of Environmental Protection previously permitted 739 square feet of additional ground

cover and with the current application permitted 710 square feet of additional ground coverage.

12. The home that is currently proposed is smaller than that which was previously proposed. The prior plan included a circular driveway which was omitted from the current plan. The prior plan removed both the shed and barn, while the current proposal would eliminate the shed and retain and repair the garage. The number of bedrooms in the current plan is 3, and in the prior plan 4 bedrooms were proposed.

D. Requested Submission Waivers or Exceptions.

13. The applicant has requested submission waivers from checklist items 11, 15, 33, 35, 42, and 47. The Zoning Board Planner, Mr. O'Brien, testified that the staff has no objections to the submission waivers being granted.

E. Required Relief.

14. Thomas V. Delia, the Long Hill Township Zoning Officer, in a letter dated March 8, 2014 listed the required relief:
  1. Sec: 133.3 structures must be built on a lot with frontage on a public street improved to meet Township requirements. The proposed project does not meet that requirement.
  2. Sec: 133.5 Off Street Parking must be contained in the particular lot. The proposed driveway is located on an adjoining property used for access.
  3. Sec: 131 Front Yard Setback, for the R-2 zone. Required is 75 feet where 40.92 feet is proposed.
  4. Sec: 131 Rear Yard Setback for the R-2 zone. Required is 50 feet where 35.08 feet is proposed.
  5. Sec: 134 Accessory Structures in a Front Yard. The proposed Septic System is located within the front yard.
  6. Sec: 142.0(a) Building Within a critical Area. No structure can be located in whole or part within a critical area. The proposed structure is located within a critical area.
  7. Sec: 143.7(c) Flood Damage Prevention. Portions of the Property are within a Flood Hazard Area and a Development Permit is required.

F. Justification For Variances and Other Relief.

15. The requested relief is justified on the following basis:
  1. Section 133.3 of the Township of Long Hill Zoning Ordinance mirrors N.J.S.A. 40:55D-35:

“Every primary building shall be built upon a lot with frontage upon a public street improved to meet the Township’s requirements or for which such improvements have been insured by the posting of a performance guaranty pursuant to this Ordinance.”

N.J.S.A. 40:55D-36 provides for relief where the enforcement would “entail practical difficulty or unnecessary hardship...subject to conditions that will provide adequate access for fire equipment, ambulance or other emergency vehicles...” The sole location on the property where the 70 feet wide septic system may be installed is between South Northfield Road and the new home. Since a driveway cannot be installed over a septic system, access is precluded from South Northfield Road. The Board reiterates finding 11 in its April 5<sup>th</sup>, 2011 memorialization resolution:

“11. The Board is satisfied that there will be safe and adequate access to the subject property by reason of the construction of a new K-turning area, and that an access variance should be granted.”

2. Access has been provided for a number of years from the driveway to the existing residence. The Board finds that there is no other practical access to the site, and that the driveway along the northern border is appropriate.
3. The location of the residence is substantially set by the footprint of the existing residence. By virtue of the removal of the existing garage, the front yard setback will be increased from 10.98 feet to 40.92 feet. There is a hardship by reason of the wetlands and wetlands transition area on the property and the necessity of constructing most of the home over the existing footprint.

4. The rear yard setback would be reduced from 41.38 feet to 35.08 feet, while the Zoning Ordinance requires a minimum rear yard setback of 50 feet. The applicant has expanded the footprint of the home to the rear. The Board finds this to be a logical area for expansion. The substandard rear yard causes no harm to adjoining residence which is a substantial distance from the site.
5. The Zoning Officer has determined that the septic system is an accessory structure located within a front yard. From an engineering standpoint, this is the location where the new septic system must be installed. Although, slightly elevated, it will not be a mounded system and will fit in with the front yard.
6. Approval is required to build on a site which contains critical areas. The existing home is partially within a critical area and construction of a reasonably sized residence would require some construction within the critical area.
7. Without a waiver of the Flood Damage Prevention Ordinance, the applicant would not be able to utilize the site as it has been used for decades as a home site.
16. The requested variances are justified under N.J.S.A. 40:55D-70c(1)(b) by reason of exceptional physical features, the wetlands and the wetlands transition areas, which create a practical difficulty and undue hardship associated with the development and use of the property.
17. The requested variances are also justified under N.J.S.A. 40:55D-70c (2) by advancing the following purposes of Municipal Land Use Law under N.J.S.A. 40:55D-2.
  - a. By the removal of the deteriorating vacant home and the construction of a new one.
  - d. *“To promote the establishment of appropriate population densities...that will contribute to the well-being of persons, neighborhoods, communities and regions and preservation of the environment”* by allowing the construction of a new home on this over-sized but environmentally constrained parcel.
  - g. *“To provide sufficient space in appropriate locations for a variety of...residential...uses...”* by allowing the construction of a new home at an appropriate site.
18. The benefits from the deviation substantially outweigh any detriments.
19. The requested relief can be granted without substantial detriment of the public good and without substantially impairing the intent and purpose of the Zone Plan and Zoning Ordinance of the Township of Long Hill.

G. Turnaround For Emergency Vehicles.

20. The applicant has proposed a 10 feet by 30 feet turnaround for emergency vehicles at the intersection of South Northfield Road and the driveway providing access to the property. The Zoning Board's Engineer Tom Lemanowicz suggested a minimum turnaround of 15 feet by 30 feet with a more rounded corner be provided for easier access for emergency vehicles.

After deliberations, Mr. Pudlak moved approval of the application, seconded by Mr. O'Mullan, and subject to the following conditions:

1. Applicant shall submit proof of payment of real estate taxes through the third quarter of 2014.
2. Applicant shall post funds with the Township to satisfy any deficiency in the developer's escrow account.
3. The location of the proposed shed to the east of the proposed home outside of the wetland transition area shall be shown on the plans, but as far away from the access driveway as possible. The shed will conform to all ordinance requirements.
4. Revised Landscaping plan to be submitted. It is subject to the Planners review and approval after consulting with the Shade Tree Commission on appropriate landscaping.
5. The access easement shall be shown on the survey.
6. Show "K" turn for emergency vehicles on plans to the satisfaction of the Board Engineer. Pavement to be a minimum of 15 feet wide.
7. Install "No Parking - Fire Zone" signs on the South Northfield Road at the "K" turn area to the satisfaction of the Fire Chief and the Zoning Board Engineer. Applicant to petition the Township Committee to accept the signs by ordinance, allowing for enforcement.
8. Clear property of debris to the approval of the Zoning Board Planner.

- 9. Coordinate the engineering and architectural plans to the satisfaction of the Zoning Board Engineer.
- 10. Revise the plans in accordance with these items from the Zoning Board Engineer's report of 17 August 2014:
  - a) Invert elevations should be shown for the roof leader collection system to verify adequate cover over pipe and pipe slope.
  - b) In accordance with Ordinance Section 146.8 d, the plans shall contain a note as follows:
    - “All roof gutters shall be protected from the accumulation of leaves and litter by the installation of an aluminum gutter cap leaf separation device. Gutter screens or louvers are not acceptable.”
  - c) The applications for Soil Erosion Certifications for the County and the Township show a proposed disturbance of 4,527 square feet, just below the 5,000 square foot threshold for permitting. However, scaling the limit of disturbance shown on the plan found the area of disturbance to be approximately 10,000 square feet. The forms should be coordinated with the plan.
  - d) It is suggested that the conditions requiring the submission of proof of issuance of the required permits be retained. The list of permits includes, but is not necessarily limited to the following:
    - (1) NJDEP – Transition Area Waiver Modification
    - (2) Morris County Soil Conservation District – Plan Certification
    - (3) Township of Long Hill – Septic System
- 11. A copy of the plans most recently stamped “Approved” by the NJDEP as part of the plan revision shall be submitted to the Board for its files.
- 12. Decommissioning of existing well and septic to the approval of the Township.
- 13. Resolution will grant all waivers requested.

ROLL CALL VOTE:

Those in Favor: Mr. Keegan, Mr. O’Mullan, Mr. Pudlak, Vice-Chairman Gerecht

Those Opposed: NONE

Motion to approve the application was passed unanimously.

Mr. Keegan motioned to adjourn. Mr. Pudlak seconded the motion and after a Voice Vote, the meeting was adjourned at 10:04 p.m.

---

CYNTHIA KIEFER  
 Planning and Zoning Secretary

---

Date