

MINUTES

SEPTEMBER 16, 2014

BOARD OF ADJUSTMENT

LONG HILL TOWNSHIP

CALL TO ORDER AND STATEMENT OF COMPLIANCE

The Chairman, Dr. Behr, called the meeting to order at 8:06 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

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., Vice-Chairman
Richard Keegan, Member
Michael O'Mullan, 1st Alternate

Sandi Raimer, Member
Jerry Aroneo, Member
Michael Pesce, Member
Felix Ruiz, Member
Michael Pudlak, 2nd Alternate

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

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EXECUTIVE SESSION

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

RESOLUTION OF MEMORIALIZATION

RICHARD DAUNNO
437 South Northfield Road
Block 10201, Lot 6.01

#14-05Z
Bulk Variances, Dev. Permit Waiver,
Unimproved Road Variance

Chairman Behr asked if there were any comments or changes from the Board and its consultants regarding the Resolution of Memorialization. Hearing none, he asked for a motion to approve. Mr. Gerecht made the motion which was seconded by Mr. Keegan. A Role Call Vote was taken. Those in Favor: Mr. Gerecht, Mr. Keegan, Mr. O'Mullan. Those Opposed: None. Motion to approve was passed unanimously. Chairman Behr was ineligible to vote since he was absent from the meeting when the application was heard and voted on.

PUBLIC HEARING

MEREDITH & TRISTAN FORMON
59 Madison Street
Block 11204, Lot 22

#14-06Z
Bulk Variances

PROOF OF SERVICE WAS PROVIDED

Present: Meredith Formon, Applicant
Nicholas J. Ferrara, Architect

Tristan and Meredith Formon had applied to the Zoning Board of Adjustment of the Township of Long Hill for a submission waiver and bulk variances under N.J.S.A. 40:55D-70c for the construction of a two-story addition and a deck to their single-family residence which is located at 59 Madison Street, Gillette, on property designated as Block 11204, Lot 22 on the Long Hill Township Tax Map, which premises is located in the R-3 Residential Zone.

The application was presented by Meredith Formon and her architect and professional planner Nicholas J. Ferrara, A.I.A., P.P.

The application was 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, after carefully considering the evidence presented by the applicant and the Zoning Board professionals, has made the following factual findings:

A. Subject Property.

1. The subject property contains 14,814 square feet or 0.34 acres. It has 75 feet of frontage on Madison Street.
2. The eastern sideline of the lot is 232.6 feet, the western sideline is 162.42 feet and the rear yard is 75 feet.
3. The lot is improved with a two-story single-family residence with an attached one-car garage.
4. There are no critical slopes, flood hazard area, wetlands, or wetlands transition area on the site.
5. The property slopes to the road.
6. The photographs which were presented to the Board by Zoning Board Planner Kevin O'Brien show heavy foliage along the front and sides of the property.

B. Prior Zoning Board Application #04-18Z

7. The applicants had previously applied to this Board in Application #04-18Z for permission to add a second story above the then existing first floor of their home.
8. That application was approved and a memorialization resolution was adopted on February 15, 2005.
9. The memorialization resolution noted lot coverage to be 20.8%, which would not be increased by the requested relief.

C. The Proposal.

10. The applicants propose to construct a 16 feet by 17 feet two-story addition to the rear of their home. The first floor of the addition will consist of a family room and the second story will completely cover the first floor.
11. The existing deck in the rear of the house will be removed and an 11 feet by 22 feet 6 inch deck is proposed on the western side of the proposed addition.

D. The Requested Variances and Existing Non-Conformities.

12. Based on Zoning Board Planner Kevin O'Brien's comprehensive report of September 12th, 2014, the existing non-conformities and requested variances are:
 - a. Minimum lot area: 30,000 SF required; 14,814 SF existing and proposed (Section 131).
 - b. Side setback: 25' per side (Section 131) (12.5 feet for subject property, see last paragraph in this finding); 9.57' existing.
 - c. Combined Side Yard: 30% or 22.5' of lot width required; 20.97' (27%) existing (no change proposed).
 - d. Minimum Rear setback: 40 feet required, 43.5' existing; 37' proposed (Section 131).
 - e. Maximum lot coverage: 20% allowed; 20.8% existing; 22.89% proposed.
 - f. Driveway to be 5 feet from property line: 2.5' existing and proposed (Section 131, note 12).
 - g. Combined total side yard requirements may be reduced by six inches for each foot by which a lot is less than the minimum width requirement for the zone in which it is located. In any case, the side yard width for either side yard shall not be reduced to less than 50% of the requirement of the zone (Section 136.2.a).

The lot is 102.72 feet wide where 150 feet are required. The required side yard is 25 feet and 11.4' are provided to the west and 9.57' provided to the east.

Using the Ordinance cited above, 12.5' are required for each side yard. This application does not increase the nonconformity.

13. The setback variance for the current application is the rear yard setback for the deck, which will be 37 feet, where 40 feet is required.
14. The lot coverage was shown on the Ferrara architectural plans to be presently 22.89%, while the memorialization resolution in Application #04-18Z found lot coverage to be 20.8%, which application resulted in no new lot coverage. The current plans listed proposed lot coverage at 24%. After a break in the proceedings, the coverage was calculated by Zoning Board Engineer Thomas Lemanowicz to be about 20.8% without including the existing shed or generator pad, rather than that shown on the plan to be 22.89%. The current application, including the shed and generator pad, would increase lot coverage to 22.8%. The architect assented to this calculation.
15. A stormwater management plan is required for an increase in lot coverage of 400 square feet. Since the increase in lot coverage is about 283 square feet, no stormwater management plan is required.
16. Meredith Formon testified drainage on her lot was not a problem and that stormwater did not stream off her property except for runoff from the driveway.

E. Justification for Variance.

17. The requested variances are justified under N.J.S.A. 40:55D-70c(1) on the basis of the small size and narrow width of the subject property and on the basis of the location of the existing residence on the lot under N.J.S.A. 40:55D-70c(1)(c). Mr. Ferrara testified and the Board finds that there is no other logical location where the new deck could be placed.
18. Board Vice-Chairman Edwin Gerecht, Jr. noted:
 - a. The proposed addition and deck are modest.
 - b. The increase in lot coverage is modest.
 - c. The lot is exceptionally narrow which creates a hardship.
 - d. The lot is exceptionally buffered from the road and partially shielded from neighbors.
19. 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 & Zoning Ordinance of the Township of Long Hill.

F. Submission Waivers.

20. The applicants requested submission waivers from checklist items 11, 15, 16, 17, 18, 19 and 20.
21. The Board takes notice that the checklist has the same requirements for commercial development as for single-family residences.
22. The Board's consultants had no objection to the waivers.

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

- (1) The plans shall be revised to the approval of the Zoning Board Engineer to show the correct calculations for coverage, and the revised second floor plan.
- (2) A note shall be added to the plans that the exterior finish of the addition will match the existing home. to the approval of the Zoning Board Planner
- (3) A note shall be added to the plans that the exterior lighting will be shielded to the approval of the Zoning Board Planner and that the lighting shall not cause glare or sky glow on other properties or public streets.
- (4) Applicant shall submit proof of payment of real estate taxes through the fourth quarter of 2014.
- (5) Applicant shall post funds with the Township to satisfy any deficiency in the developer's escrow account.

Except as otherwise set forth above, all conditions shall be satisfied prior to signing of the plans by the Board Officers and prior to issuance of any building permit.

ROLL CALL VOTE:

Those in Favor: Mr. Gerecht, Mr. Keegan, Mr. O'Mullan, Chairman Behr
 Those Opposed: NONE

Motion to approve the application was passed unanimously.

DISCUSSION - 2015 MEETING TIMES

Chairman Behr polled the board members as to whether or not they would like to change the start time of their meetings in 2015 to 7:30 p.m., as the Planning Board now does. Several felt that it would be difficult if not impossible for them to get to the meeting at an earlier start time. Mr. Gerecht pointed out that those who commute and use the train, at times come directly to the meetings. He felt that it might inhibit the potential to get new members by having a start time that would be prohibitive to them. He did see the allure of an earlier end time (10:30 p.m.) however he was in favor of leaving the start time as is: 8:00 p.m.

Chairman Behr said that, with all due respect to the Planning Board, the nature of their work is more complex than that of the Board of Adjustment, and their agendas tend to be different. Second, he felt that most single applications were finished in less than three (3) hours and for some people, both applicants and board members, arriving at 7:30 p.m. could be a burden especially for those working in New York. He did not think it was appropriate for this board. He also voiced concern that potential board members would have to decline because they could not make the earlier start time. Based on those reasons, he was opposed to changing the time.

Chairman Behr asked for a motion to continue starting the meetings of the Board of Adjustment at 8:00 p.m. Mr. Gerecht moved, Mr. Keegan seconded. A Voice Vote was taken and the motion carried unanimously.

Chairman Behr then discussed items for the next meeting, October 7, 2014. It was decided that they would meet to vote on any resolutions of memorialization, if those resolutions were available. Other items of an educational nature could be added after discussions with Mr. O'Brien and Mrs. Wolfe.

Seeing no further board business, Chairman Behr asked for a motion to adjourn. Mr. Gerecht motioned, Mr. Keegan seconded. The meeting was adjourned at 8:52 p.m.

CYNTHIA KIEFER
Planning and Zoning Secretary

Date