

MINUTES OF THE BOARD OF ADJUSTMENT
April 13, 2011

PRESENT: Chair. Harrison, Mr. Burr, Ms. English, Vice Chair Fleischer, Mr. Susswein and Mr. Whipple; also, Mr. Sullivan, Esq., and Mr. Charreun, Assistant Secretary

ABSENT: Ms. Cockey, Mr. Edwards, Ms. Holloway, and Ms. Talley, Secretary

Assistant Secretary Charreun called the roll and announced the regular meeting of the Montclair Board of Adjustment. Notice had been given in accordance with the Open Public Meetings Act.

On motion by Mr. Whipple, seconded by Mr. Susswein, the **Minutes of the March 16, 2011** regular meeting were adopted as modified.

On motion by Mr. Whipple, seconded by Mr. Susswein, the following Resolution memorializing the Board's decision on the application of **Bart & Patricia Krupp, 300 Upper Mountain Avenue** was adopted as modified:

WHEREAS, Bart & Patricia Krupp, 300 Upper Mountain Avenue, did make an application to the Board of Adjustment of the Township of Montclair for a variance pursuant to N.J.S.A. 40:55D-70c associated with a proposed addition to the dwelling on property designated as Lot 22 in Block 602 on the Township Tax Map and located in the R-0 Mountainside Zone; and

WHEREAS, the applicant requested a variance from **Montclair Code Section 347-33D** for a rear yard setback of less than the minimum permitted; and

WHEREAS, the applicant submitted a property survey dated August 18, 1986 and a plan prepared by Julie Anne Cecere Architect, LLC dated January 14, 2011; and

WHEREAS, this matter came on to be heard at a regular meeting of the Board of Adjustment held on March 16, 2011 at which time it was established that notice was properly published and the property owners within 200 feet of the property in question had been properly served notice; and

WHEREAS, the Board carefully reviewed the testimony presented and established the following findings:

1. The property is located in the R-0 Mountainside Zone and contains a single-family dwelling. The lot measures 52,842 square feet in lot area.
2. An addition to the first floor and second floor of the dwelling is proposed at the southerly rear corner of the dwelling. The first floor of the addition is larger than the

second floor addition. The first floor addition contains a rear entry foyer and bathroom; the second floor addition provides space for an existing bedroom.

3. The minimum rear yard setback permitted for new construction on the subject property is 88.95 feet, which is 30 percent of the lot depth of 296.5 feet. The existing dwelling already has a nonconforming rear yard setback of 81 feet 1 inch to an existing section of the dwelling located at the center of the rear wall of the dwelling.

4. The first floor portion of the proposed addition would have a rear yard setback of 84 feet 8 inches and a variance is requested for a rear yard setback less than the minimum permitted. No other variances are requested.

5. The second floor portion of the addition has a greater rear yard setback than the first floor portion, and complies with the rear yard setback requirement and all other zoning requirements.

6. The Board determined that the requested variance could be granted. The proposed addition is relatively modest in size. Due to the large front yard setback of the dwelling, the proposed addition is not visible from roadway. The proposed addition would be set back further from the rear property line than portions of the existing dwelling. Due to the topography of the area, the proposed rear yard setback would not negatively impact any adjoining property along the rear property line; and

WHEREAS, the Board, based upon the foregoing findings, concluded that the applicant proved peculiar and exceptional practical difficulties and exceptional and undue hardship and proved that the variance could be granted without substantial detriment to the public good and would not substantially impair the intent and purpose of the zone plan and the zoning ordinance pursuant to NJSA40:55D-70C(1); and

WHEREAS, the Board, based on the aforementioned findings, concluded that the applicant proved that the purpose of the Municipal Land Use Law would be advanced by a deviation from the zoning ordinance requirements, and proved that the benefits of the deviation would substantially outweigh any detriment and proved that the variance could be granted without substantial detriment to the public good and would not substantially impair the intent and purpose of the zone plan and zoning ordinance pursuant to the requirements of NJSA40:55D-70C(2); and

NOW, THEREFORE, BE IT RESOLVED by the Board of Adjustment of the Township of Montclair that the application is hereby approved; and

NOW, THEREFORE, BE IT FURTHER RESOLVED that a copy of this resolution be transmitted to the applicant, Township Manager, Township Council, Township Clerk, Township Engineer and Construction Code Official.

On motion by Mr. Whipple, seconded by Mr. Susswein, the following Resolution memorializing the Board's decision on the application of **Steven J. Halasz, 312 Linden Avenue** was adopted as modified:

WHEREAS, Steven J. Halasz, 312 Linden Avenue, did make an application to the Board of Adjustment of the Township of Montclair for a variance pursuant to N.J.S.A. 40:55D-70c associated with a proposed entry foyer at the front of the dwelling on property designated as Lot 102 in Block 3904 on the Township Tax Map and located in the R-1 One-Family Zone; and

WHEREAS, the applicant requested a variance from **Montclair Code Section 347-45B(1)** for a front yard setback less than the minimum permitted; and

WHEREAS, the applicant submitted a property survey dated April 22, 2010 and elevation drawings and a plot plan prepared by the applicant dated February 7, 2011; and

WHEREAS, this matter came on to be heard at a regular meeting of the Board of Adjustment held on March 16, 2011 at which time it was established that notice was properly published and the property owners within 200 feet of the property in question had been properly served notice; and

WHEREAS, the Board carefully reviewed the testimony presented and established the following findings:

1. The property is located in the R-1 One-Family Zone and contains a single-family dwelling. The lot measures 63 feet in width and 13,186 square feet in lot area.
2. An entry foyer is proposed at the front of the dwelling. The foyer would extend 4 feet from the first floor wall and is 7 feet in width.
3. The minimum permitted front yard setback for new construction on the subject property is 38 feet 11 inches, which is based on the average front yard setback of nearby dwellings on Linden Avenue pursuant to the zoning ordinance.
4. The existing dwelling has a conforming front yard setback of 41 feet at the first floor level. The existing second floor level extends 2 feet closer to Linden Avenue than the first floor and has a conforming front yard setback of 39 feet.
5. The proposed entry foyer would have a front yard setback of 37 feet and a variance is requested for a front yard setback less than the minimum permitted. No other variances are required.

6. The Board determined that the requested variance could be granted. The proposed addition is very modest in size, provides a practical function of weather protection at the front entrance that presently does not exist, and would improve the appearance of the dwelling. The requested deviation would not negatively impact the streetscape or any nearby property; and

WHEREAS, the Board, based upon the foregoing findings, concluded that the applicant proved peculiar and exceptional practical difficulties and exceptional and undue hardship and proved that the variance could be granted without substantial detriment to the public good and would not substantially impair the intent and purpose of the zone plan and the zoning ordinance pursuant to NJSA40:55D-70C(1); and

WHEREAS, the Board, based on the aforementioned findings, concluded that the applicant proved that the purpose of the Municipal Land Use Law would be advanced by a deviation from the zoning ordinance requirements, and proved that the benefits of the deviation would substantially outweigh any detriment and proved that the variance could be granted without substantial detriment to the public good and would not substantially impair the intent and purpose of the zone plan and zoning ordinance pursuant to the requirements of NJSA40:55D-70C(2); and

NOW, THEREFORE, BE IT RESOLVED by the Board of Adjustment of the Township of Montclair that the application is hereby approved; and

NOW, THEREFORE, BE IT FURTHER RESOLVED that a copy of this resolution be transmitted to the applicant, Township Manager, Township Council, Township Clerk, Township Engineer and Construction Code Official.

On motion by Mr. Whipple, seconded by Mr. Susswein, the following Resolution memorializing the Board's decision on the application of **Joyce Fleissner, 36 Mountainside Park Terrace** was adopted as modified, Ms. English abstaining:

WHEREAS, Joyce Fleissner, 36 Mountainside Park Terrace, did make an application to the Board of Adjustment of the Township of Montclair for a variance and other relief described below, associated with the necessary improvements to the unimproved public street abutting the lot required to provide access to the property and to create off-street parking for the property, which is designated as Lot 1 in Block 901 on the Township Tax Map and located in the R-1 One-Family Zone; and

WHEREAS, the applicant requested the following relief:

1. Pursuant to N.J.S.A. 40:55D-70c, a variance from **Montclair Code Section 347-46C** to permit a parking area for two vehicles in the front yard of the property; and

2. Pursuant to N.J.A.C. 5:21-3.1, exceptions from the New Jersey Residential Site Improvement Standards 5:21-4.2, for a Residential Access Road, in that the existing right of way is less than 50 feet in width and in that the proposed extension of the cartway or roadway is not a minimum of 28 feet in width throughout its length. The 28 foot width is to include a 21 foot wide traveled way and one 7 foot wide parking lane; and

3. To the extent it is necessary, any relief required pursuant to N.J.S.A. 40:55D-35 and N.J.S.A. 40:55D-36 to permit the improvements to the unimproved public street abutting the lot required to provide access to the dwelling property; and

WHEREAS, this matter came on to be heard at a regular meeting of the Board of Adjustment held on March 16, 2011 at which time it was established that notice was properly published and the property owners within 200 feet of the property in question had been properly served notice; and

WHEREAS, the applicant submitted a property survey dated July 16, 2002 and plans prepared by The Mylan Architectural Group, revised through October 18, 2010. A revised plan prepared by The Mylan Architectural Group dated February 28, 2011 being presented at the public hearing in response to comments from the Township Engineer and the Board Engineer; and

WHEREAS, the Board carefully reviewed the testimony presented and established the following findings:

1. The property is located on the westerly side of the southerly limit of an unimproved portion of Mountainside Park Terrace, which is an existing dedicated 20-foot wide public right-of-way within a steeply sloped area of the Township.

2. The property contains a single-family dwelling that was the subject of two separate applications to the Board of Adjustment in 1973 and 1981 described further below. Following the 1981 application, the dwelling was constructed sometime between 1983 and 1986. The dwelling has remained unoccupied to the present day because the previously required improvements to the unimproved portion of Mountainside Park Terrace to provide access the property have not been completed.

3. In order to obtain a Certificate of Occupancy for the dwelling, the applicant must complete the improvements deemed necessary at this time in the public right-of-way in order to provide access to the property and the applicant must also create off-street parking for the property. The proposal requires the relief described below.

4. The current plan includes a proposed cartway or roadway extension with a minimum width of 12 feet that leads to a proposed cul-de-sac with a 40-foot diameter. The proposed cul-de-sac extends into the subject property. The applicant indicated that the area of the cul-de-sac that extends into the subject property would either be

dedicated to the Township as an extension of the public right-of-way or that an easement to the Township would be provided. A parking area for 2 vehicles is proposed along the southwesterly end of the cul-de-sac on land that would remain privately owned by the subject property.

5. The proposed parking area requires a variance because it is located between the dwelling and the public street. The previously approved applications for the property included a variance granted to construct a detached garage in the same general location as the proposed surface parking area. The garage was never constructed and those variances have since expired.

6. The Board finds that the requested variance for front yard parking can be granted subject to the conditions listed below. The property is located along very steeply sloped terrain which makes it extremely impractical to create a driveway for conforming parking located in a side or rear yard. The proposed parking area is located at the southerly limit of a proposed cartway or roadway extension which is fairly secluded from public view and provides less of a visual impediment than the previously approved garage building.

7. The proposed improvements within the public right-of-way and the proposed cul-de-sac have been reviewed and approved by the Township Engineering Department by reports dated February 11, 2011 and March 14, 2011, approved by the Township Fire Department by comments received on March 16, 2011, and approved by the Township Department of Community Services, by comments received on March 15, 2011. The Board Engineer has issued reports on the project, dated January 18, 2011 and March 11, 2011.

8. The applicant has requested de minimis exceptions from the New Jersey Residential Site Improvement Standards 5:21-4.2, for a Residential Access Road, in that the existing right of way is less than 50 feet in width and in that the proposed cartway is not a minimum of 28 feet in width, to include a 21 foot wide traveled way and one 7 foot wide parking lane.

9. The Board finds that the requested exceptions can be granted under 5:21-3.1(g) of the New Jersey Residential Site Improvement Standards, in that the plan is consistent with the intent of the Site Improvements Act; is reasonable, limited, and not unduly burdensome; meets the needs of public health and safety; and takes into account existing infrastructure and possible surrounding future development. The circumstances of the subject property are sufficiently unique to warrant the granting of the requested exceptions described below.

10. The Board finds that the exception to permit the existing 20-foot right-of-way width in lieu of the 50-foot minimum width can be granted. The existing right-of-way width was created by the Township and the applicant can not enlarge the width of the right-of-way. The Township officials indicated above have approved the plan as it relates

to the work in the existing 20 foot right-of-way. The tentative agreement to either have that area of the cul-de-sac that extends into the subject property dedicated to the Township as an extension of the public right-of-way or to have an easement provided to the Township will effectively expand a portion of the right-of-way serving the subject property and allow it to function effectively.

11. The applicant indicated that the minimum proposed cartway width would be increased from the 11 feet depicted on the plan to 12 feet to comply with the comments of the Township Fire Department. The Board determined that the proposed cartway width could not be widened any further without creating significant land disturbances and utilizing larger retaining walls to support the proposed roadway extension and cul-de-sac on the steeply sloped land, which would negatively impact the adjoining properties. The proposed roadway extension and cul-de-sac have been reviewed and approved by Township officials indicated above subject to certain requirements that the applicant has agreed to. Due to the existing conditions, the proposed roadway and cul-de-sac would generally be limited for access to the subject property only.

12. Within the previous applications for similar proposals for the subject property from 1973 and 1981, relief was requested and received, subject to conditions, from the Board of Adjustment pursuant to N.J.S.A. 40:55D-35 and N.J.S.A. 40:55D-36 to permit the construction of the dwelling contingent upon the construction of the necessary improvements within the unimproved public right-of-way abutting the lot in order to provide access to the property. As noted above, the dwelling was since constructed with building permits and the accompanying work in the right-of way and the parking area on private property was not constructed as required.

13. The Board acknowledges the previous applications and the relief that was requested and approved pursuant to N.J.S.A. 40:55D-35 and N.J.S.A. 40:55D-36. The Board also acknowledges, however, that the proposed improvements for the current application are to be located within an existing dedicated public right-of-way, and that the cul-de-sac and that that the portion and that the proposed improvements to the public right-of-way have been reviewed and approved by the necessary Township officials indicated above, which would thereby be in compliance with the requirements of N.J.S.A. 40:55D-35 and N.J.S.A. 40:55D-36. Therefore, to the extent it is necessary, the Board grants any new or amended relief pursuant to N.J.S.A. 40:55D-35 and N.J.S.A. 40:55D-36 required for the current application; and

WHEREAS, the Board, based upon the foregoing findings, concluded that the applicant proved peculiar and exceptional practical difficulties and exceptional and undue hardship and proved that the variance requested could be granted without substantial detriment to the public good and would not substantially impair the intent and purpose of the zone plan and the zoning ordinance pursuant to NJSA40:55D-70C(1); and

WHEREAS, the Board, based on the aforementioned findings, concluded that the applicant proved that the purpose of the Municipal Land Use Law would be advanced by a deviation from the zoning ordinance requirements, and proved that the benefits of the deviation would substantially outweigh any detriment and proved that the variance requested could be granted without substantial detriment to the public good and would not substantially impair the intent and purpose of the zone plan and zoning ordinance pursuant to the requirements of NJSA40:55D-70C(2); and

NOW, THEREFORE, BE IT RESOLVED by the Board of Adjustment of the Township of Montclair that the application is hereby approved, subject to the following conditions:

1. The area of the 40-foot diameter cul-de-sac that extends into the applicant's property shall be either dedicated to the Township as an extension of the public right-of-way, or an easement shall be granted to the Township for the purposes deemed necessary by the Township. The parking area proposed for the subject property shall be excluded from either arrangement.

2. Should the Township not accept the dedication of area of the 40-foot diameter cul-de-sac that extends into the applicant's property as an extension of the public right-of-way, the maintenance of the proposed drainage basin located on the applicant's property shall be the responsibility of the property owner, unless the Township accepts such responsibility as part of any easement agreement.

3. The parking area on the applicant's property shall be delineated from the cul-de-sac by utilizing striping painted onto the pavement or by extending the proposed Belgian block curbing around the perimeter of the cul-de-sac to form a depressed curb along the entrance to the parking area.

4. Prior to construction of the proposed improvements, a determination shall be made as to whether a diversion pursuant to the New Jersey Department of Environmental Protection Green Acres Program Rules is necessary to locate any stormwater structures on the adjoining parkland, Mountainside Park. If a diversion is necessary and is not approved, the applicant must return to the Board for an amended approval. The applicant shall provide documentation to the Planning Department pursuant to this condition.

5. As required by the Township Fire Department and as the testimony of the applicant's professionals indicated, the dwelling will be fully sprinklered, the area of the roadway proposed to be extended by the applicant to meet the proposed cul-de-sac shall be paved to a minimum width of 12 feet, and the existing fire hydrant on the subject property will remain.

6. The proposed roadway and cul-de-sac shall be constructed to Township standards as required by the Township Engineering Department and any all permits for such work shall be obtained from the Township Engineering Department.

7. The applicant shall comply with the comments of the Board Engineer's report dated March 11, 2011. Should the site disturbance exceed 5,000 square feet, the applicant shall obtain approval from the Soil Conservation District and provide such approval to the Board Engineer; and

NOW, THEREFORE, BE IT FURTHER RESOLVED that a copy of this resolution be transmitted to the applicant, Township Manager, Township Council, Township Clerk, Township Engineer and Construction Code Official.

It was announced that at the request of the applicant, a special meeting date to continue the application of **Omnipoint Communications, Inc., 153 Park Street** would be selected at the Board's regular meeting on June 15, 2011. The Board was granted an extension of time. It was also announced that at the request of the applicant, the application of **T-Mobile Northeast, LLC, 118 Watchung Avenue** was postponed until the June 15, 2011 regular meeting. No further notice would be given. The Board was granted an extension of time.

The application of **Walter Kos, 21 Forest Street** was called. William Ewing, Esq., appeared as attorney for the applicant and requested that the application be carried to the May 18, 2011 meeting of the Board. He was recently retained by the applicant and has advised the applicant to seek the consultation of a Professional Planner prior to proceeding. The requested postponement to May 18, 2011 was granted and it was announced that no further notice would be given.

The application of **Micha Levi & Aya Izraely-Levi, 134 Watchung Avenue** was called. The applicant and Architect, Derek Cox, were sworn. Mr. Cox described the application. The property contains a single-family dwelling and a small detached garage that is in poor condition. A new detached garage is proposed that would replace the existing detached garage in the same area of the rear yard of the property. The minimum permitted side yard and rear yard setbacks for detached garages in the R-1 Zone is 6 feet. The existing detached garage is rectangular in shape, measures approximately 10.5 feet wide by 18 feet long, and has a nonconforming westerly side yard setback.

The property survey indicates an existing 2.4 foot setback on the westerly side of the garage at its closest point. The existing garage is approximately 17.5 feet from the rear property line. The new detached garage would have a larger overall footprint with an irregular shape, measuring 21 feet 9 inches at the widest and 29 feet 9 inches at the longest. The increase in size provides a second vehicle parking space, plus a storage area at the rear portion only at the left side of the garage. A conforming rear yard setback of 7.5 feet is proposed at the closest point and a conforming height of 12 feet 9

inches is proposed. The westerly side wall of the new garage has an 18 foot length and is proposed to be constructed along the same nonconforming westerly side yard setback as the existing detached garage. The enlargement to the footprint of the garage to provide the additional parking space and storage area would be located further inward on the property and would conform to the setback requirements.

The Board questioned the applicant. It was not clear to the Board whether the 2.4 feet was the setback of the garage to the westerly side property line, or the setback of the garage to an existing fence located between the garage and the westerly side property line as it is depicted on the property survey. No questions or comments were offered from the public. The Board discussed the application. The majority of the Board determined that the requested side yard setback variance could be approved if the westerly side yard setback was increased to 3 feet as described below, and subject to further conditions below. A side yard setback of 3 feet would allow for proper maintenance of the garage and property within the side yard of the garage. On motion by Mr. Whipple, seconded by Ms. English, the application was approved, subject to the conditions below, Mr. Fleischer voting against the motion:

1. The garage shall be at least 3 feet away from both the westerly side property line and the existing fence located between the garage and the westerly side property line.
2. Not more than 20 feet in length of the proposed garage shall be located within 6 feet of the westerly line.
3. Storm water collected from the roof of the new garage shall be directed away from the westerly property line.

The application of **Mr. & Mrs. William Lenchinsky, 23 Woodmont Road** was called. The applicant and Architect, George Held, were sworn. Mr. Held described the application. The property contains a single-family dwelling with attached garage at grade level on the southerly side of the dwelling. The lot is irregularly shaped and measures a total of 152.85 feet in frontage width and 19,156 square feet in lot area. An addition is proposed to create a new second floor and attic over a large portion of the existing dwelling. The proposed addition to the dwelling would result in a 3½ story design, which requires a variance. The existing basement/ground floor on the southerly side of the dwelling where the attached garage exists is included as a story above grade since the first floor of the dwelling in that area of the property is more than 6 feet above grade. The existing first floor of the dwelling is the second story. The proposed second floor is the third story. The proposed attic is a half-story.

The required front yard setback for new construction on the subject property is 55.01 feet based on the average front yard setback of the 2 dwellings to the north on Woodmont Road. The properties to the south on Woodmont Road are located in a different zone and are not included in the average front yard setback calculation. The

existing dwelling has a nonconforming front yard setback that varies due to the angled position of the dwelling. The closest point of the front yard setback of the existing dwelling is 35.1 feet, which is located at the southerly side of the dwelling. The minimum front yard setback for the proposed addition is 38.29 feet and a variance is requested.

Exhibit submitted:

A-1 Photographs of existing dwelling and other dwellings in the neighborhood

The Board questioned the applicant. Chair Harrison called for questions and comments from the public. Alex Comini, 24 Woodmont Road, was sworn and stated his support for the application. Bill Chappell, 5 Woodmont Road, was sworn and stated his support for the application. The Board discussed the application. The variance to exceed 2½ stories can be granted based on the topography of the lot, the compliant overall height of the dwelling, and the specific design. The proposed second floor and attic addition is set away a sufficient distance from the grade level attached garage at the southerly side of the dwelling, and does not produce the visual effect of massing intended to be reduced by the ordinance. The front yard setback variance can also be granted. The proposed front yard setback is consistent with that of the existing dwelling and the other properties in the neighborhood. The adjoining lot to the north has an unusually large front yard setback of approximately 76 feet, which skews the required front yard setback for the subject property. On motion by Mr. Fleischer, seconded by Mr. Burr, the application was approved.

The Board took a short recess.

The application of **John S. DiGeronimo, Richard DiGeronimo, and Angelo J. Benfante, 170-172 Pine Street** was called. David Owen Esq. appeared as attorney for the applicant and described the application. Derek Cox, Architect, was sworn and described the existing conditions and proposed modifications to the building and site in detail. The applicant proposes to enlarge and improve the four existing units within the building. The rear of the building would be extended 14.5 feet deeper into the lot with a 2½ story addition. The roof line height would be increased and dormers would be added to the building. Windows would be replaced and the facades of the building would consist of a combination of brickwork and stucco/half-timber materials. The rear parking area would be expanded and reconfigured to provide for eight parking spaces including one handicapped space. Curbing would be installed along the parking area and driveway. The two building entrances located on the sides of the building would be eliminated and a new entrance provided at the rear of the building with a ramp and wheelchair lift. A new trash enclosure area is proposed, as well as new fencing. Four central air conditioning units are proposed at the rear of the building. Seepage pits are proposed within the existing driveway. Wall-mounted lights are proposed along the sides and rear of the building. Three bollard lights would be located adjacent to the driveway on the north side of the building, and one 10-foot tall pole-mounted light fixture would be located near the rear property line. Two cherry trees and several arborvitae would be

planted in the area between the parking lot and the rear property lines. Additional landscaping is proposed between the parking lot and the property to the north and between the trash enclosure area and the building. Mr. Cox stated that the proposed first floor units measure 1,346 square feet in area including the usable basement space, and 1,051 square feet in area without the basement space. The second floor units measure 1,451 square feet in area including the proposed loft area, and 1,069 square feet in area without the loft area.

Exhibits marked:

- A-1 Sheet SS-1 Site Survey, dated 8/25/10
- A-2 Sheet SC-1 Existing Streetscape, dated 8/25/10
- A-3 Sheet EA-1 Existing First Floor & Basement, dated 6/22/10
- A-4 Sheet EA-2 Existing Second Floor & Roof, dated 6/22/10
- A-5 Sheet EA-3 Existing North & East Elevation, dated 6/22/10
- A-6 Sheet EA-4 Existing South & West Elevation, dated 6/22/10
- A-7 Sheet A-1 Proposed First Floor & Basement, dated 8/25/10
- A-8 Sheet A-2 Proposed Second Floor, Roof & Loft, dated 8/25/10
- A-9 Sheet A-3 Proposed North & East Elevation, dated 8/25/10
- A-10 Sheet A-4 Proposed South & West Elevation, dated 8/25/10
- A-11 Packet consisting of Sheets A-1 through A-4, Proposed Floor Plans and Elevations, dated 8/25/10, with color added
- A-12 Sheet RE-1 Roof Explanation (rendering), dated 8/25/10
- A-13 Sheet LP-1 Landscape Plan, dated 8/25/10
- A-14 Sheet D-2 Construction Details, revised 4/4/11

The Board questioned the witness. Mr. Cox stated that the chimneys will be removed. John DiGeronimo was sworn and stated that they plan to use direct vent boilers which do not require chimneys. Mr. Cox answered several questions about the bulk of the proposed roof/loft plan. The Board had several questions about the access to the trash area. Mr. Owen stated that the applicant considers the proposed trash enclosure an accessory structure and request whatever variances are needed for its location. Chair Harrison called for questions from the public. Maxine Bergner, 148 Pine Street asked several questions about the plans and whether the proposed improvements to the property warrant a requirement that the street improvements also be provided.

Mr. Owen called Jonathan Bilow, Professional Engineer, who was sworn and stated his qualifications. Mr. Bilow described the grading and drainage plan for the project. The drainage report submitted is dated 2/11/11. He referred to Sheet GD-1 Grading and Drainage Plan, dated 8/25/11. Even with the increase in impervious surface, the plan will reduce the storm water runoff from the site by 20 percent. The site would be regraded. Four seepage pits are proposed beneath the driveway to collect storm water and allow for percolation into the ground. He referred to sheet LD-1 Lighting Design Plan, dated 8/25/11. Site lighting has been designed to sufficiently illuminate the

parking area, driveway, and walkways while minimizing spillover to adjoining properties. He addressed the Board Engineer's review letter dated 3/24/ 2011. The applicant would comply with all of the requirements of the Board Engineer.

The Board questioned the witness. The Board had been provided with a brief report from the Township Engineering Department dated 3/29/11 that calls for modifications to the drainage report and plan. Mr. Owen stated that he had not received the report from the Township Engineering Department and that Mr. Bilow had also not received it. The applicant agreed to coordinate with the Board Engineer and Township Engineering Department and provide updated information at a subsequent meeting. It was announced that the application would continue at the May 18, 2010 regular meeting of the Board. No further notice would be given. No extension of time was necessary. On motion by Mr. Fleischer, seconded by Mr. Whipple the meeting was adjourned.