

MINUTES

JUNE 17, 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
Jerry Aroneo, Member
Richard Keegan, Member

Sandi Raimer, Member
Michael Pesce, Member
Felix Ruiz, Member
Michael O'Mullan, 1st Alternate
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.

APPROVAL OF MINUTES

Mr. Gerecht moved approval of the minutes of May 6, 2014 as written. Mr. Keegan seconded the motion. A Voice Vote was taken and the motion was approved unanimously. Mr. Aroneo was ineligible to vote since he was not present at that meeting.

Mr. Gerecht moved approval of the minutes of May 20, 2014 as written. Mr. Keegan seconded the motion. A Voice Vote was taken and the motion was approved unanimously. Mr. Aroneo was ineligible to vote since he was not present at that meeting.

RESOLUTION OF MEMORIALIZATION

CHAD DeBOLT
190 Preston Drive
Block 13803, Lot 8

#14-03Z
Amendment of Prior Condition
of Approval

Chairman Behr asked if there were any comments or changes from the Board and its consultants regarding the Resolution of Memorialization. Hearing none, Chairman Behr asked for a motion to approve. Mr. Gerecht made a motion which was seconded by Mr. Keegan. A Role Call Vote was taken. Those in Favor: Mr. Gerecht, Mr. Keegan, and Chairman Behr. Those Opposed: None. Motion to approve was passed unanimously. Mr. Aroneo was ineligible to vote since he did not vote on the application.

RESOLUTION OF MEMORIALIZATION**JAMES G. HARRIS**60 Midvale Avenue
Block 12003, Lot 18**#14-01Z**

Bulk Variances

Chairman Behr asked if there were any comments or changes from the Board and its consultants regarding the Resolution of Memorialization. Hearing none, Chairman Behr asked for a motion to approve. Mr. Aroneo made a motion to approve which was seconded by Mr. Gerecht. A Role Call Vote was taken. Those in Favor: Mr. Gerecht, Mr. Aroneo, and Chairman Behr. Those Opposed: None. Motion to approve was passed unanimously. Mr. Keegan was ineligible to vote since he did not vote on the application.

PUBLIC HEARING**TARA McGAULEY**819 Long Hill Road
Block 13401, Lot 2.02**#14-02Z**

Bulk Variances

PROOF OF SERVICE WAS PROVIDED

Present: Tara McGauley, Applicant
 Vincent T. Bisogno, Esq., Attorney for the Applicant
 Steve Parker, Civil Engineer for the Applicant
 Ralph Elsman, Neighbor
 Kevin Walsh, Neighbor
 Dana Chavkin, Neighbor
 John Lee, Neighbor

Tara McGauley had applied to the Zoning Board of Adjustment of the Township of Long Hill for permission to retain a deck which is attached to her single family residence located at 819 Long Hill Road, Gillette on property designated as Block 13401, Lot 2.02 on the Long Hill Township Tax Map. It is located in the R-3 Residential Zone.

The application was presented by Attorney Vincent T. Bisogno, Esq. of the firm of **Bisogno, Loeffler & Zelle, LLC**; Civil Engineer Stephen Parker, P.E. of the firm of **Parker Engineering & Surveying, P.C.**; and Tara McGauley.

The application was reviewed by Board Planner Kevin O'Brien, P.P. of the firm **Shamrock Enterprises, Ltd.** and Board Engineer Thomas Lemanowicz, P.E. of the firm **Remington, Vernick and Arango Engineers.**

The Board, after considering the evidence presented by the applicant, the Board's consultants, and members of the public, has made the following factual findings:

A. The Subject Property.

1. The subject property contains a gross area of 20,127.1 square feet or 0.462 acres and a net area of 17,462.1 square feet or 0.400 acres.
2. The site has 105 feet of frontage on Long Hill Road, an eastern sideline of 175.40 feet, a western sideline of 172.96 feet, and a rear lot line of 126.92 feet.
3. The site drains from the road to the rear property line. The elevation at the front of the property is 96 feet which drops off to 60 feet at the rear of the property.
4. About one half of the site to the rear (south) is encumbered with steep slopes in excess of 15%.
5. The site is improved with a small raised ranch containing 1,365 square feet with an attached deck and steps – which are the focus of the current application – containing 675 square feet.
6. The deck has a maximum height of approximately 6 feet.
7. The deck has an eastern sideyard of 8.56 feet to adjoining Lot 2. There is heavy foliage between the deck and the adjoining home. It was estimated that the adjoining home to the east is approximately 35 feet from the deck.
8. In back of the home is the septic system.

B. The Applicant.

9. Tara McGauley is the owner of the subject property. She closed title on July 1, 2013.

10. Tara McGauley previously lived in Long Hill Township. A significant feature in her selecting the site was the large deck which provides privacy and a beautiful view.

C. Prior Owner.

11. Brigitte Gfeller, a Swiss national, was the prior owner of the subject property. She acquired the site in 2001.
12. Ms. Gfeller's father, who is also a Swiss national, constructed the deck without obtaining any permits or approvals from Long Hill Township.
13. The applicant, Tara McGauley, sought to have the deck approved and former owner Gfeller retained attorney Bisogno to obtain the necessary zoning approvals.

D. The Required Variances.

14. There are a number of non-conformities associated with the site. It contains 17,462.1 square feet while the Zoning Ordinance requires a minimum lot size of 30,000 square feet in the R-3 Zone. The lot width at the street line is 108.20 feet while 150 feet is required. The home has a front yard setback of 34.91 feet while 50 feet is mandated. The lot coverage of 22.1% exceeds the maximum of 20% allowed in the R-3 Zone.
15. The deck has an eastern sideyard of 8.96 feet while the minimum side yard for a lot width would ordinarily be 25 feet. Since the lot has a non-conforming width, the required sideyard has been reduced pursuant to Section 136.2a of the Zoning Ordinance to 21 feet.
16. As previously noted, there is presently 22.1% lot coverage, which is being reduced to 21.2%. The applicant has removed the 157 square feet of pavers in front of her home and moved the pavers to the front yard. The applicant hopes that someone will take the pavers. The applicant also proposes to remove the walkway from the main front entry of the home to the deck which will further reduce the amount of impervious coverage to 20.9%.
17. A variance was granted on December 4, 1965 for the home to be built on the subject property with a 35 foot front setback.

E. Justification for Variances.

18. The application is justified under N.J.S.A.40:55D-70c(1) on the basis of the narrow width of the site.
19. The application is also justified under N.J.S.A.40:55D-70c(2) on the basis of advancing the following provisions of the Municipal Land Use Law under N.J.S.A.40:55D-2:
- “b. To secure safety from ... flood ... and other natural and man-made disasters” *by reducing the amount of lot coverage.*
- “g. To provide sufficient space in appropriate locations for a variety of ...residential uses and open space, according to their respective environmental requirements in order to meet the needs of all New Jersey citizens.” The 1,365 square foot dwelling is quite small. The deck allows reasonable use of the home.
- “i. To promote a desirable visual environment ...” *by allowing the attractive deck to remain.*
- “m. To encourage coordination of the various public and private procedures and activities shaping land development with a view of lessening the cost of such development and to the more efficient use of land” by permitting a significant portion of the home to remain.
20. The benefits from the deviations substantially outweigh any detriments.
21. 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 of the Township of Long Hill.
22. Ralph Elsman resides in the adjoining home to the east of the deck at 807 Long Hill Road. He estimated that the deck was approximately 35 feet to his garage. Mr. Elsman testified that the deck was “secluded” and he could barely see it because of the stockade fence and extensive vegetation. He commented “It’s fine the way it is” and “It’s a beautiful deck”.
23. Kevin Walsh lives directly across the street from the subject property at 820 Long Hill Road. His property is larger than the applicant’s lot. He felt the deck was appropriate and supported the application, as did Dana Chavkin who resides at 810 Long Hill Road.

F. Water Runoff

24. Board Engineer Lemanowicz raised the question of water runoff. Adjoining neighbor Elsman said that water from the site flows to the rear yard where it percolates into the ground. Civil Engineer Parker implied that water from the site would in fact flow to the backyard rather than the adjoining properties.
25. Engineer Parker testified that the current layout of the site is not conducive to the installation of a drywell, citing the following issues:
 - a. The regulations governing the design of individual subsurface sewage disposal systems prohibit the installation of drywells within 50 feet of the disposal bed. This effectively eliminates the rear and right sideyards as potential drywell locations.
 - b. The eastern portion of the front yard is open and relatively flat, but contains underground utilities. Further, this location is uphill of the basement which may be impacted by the concentration of groundwater created by the drywell. Lastly, the installation of the drywell at this location would require the partial removal of the substantial vegetative buffer along Long Hill Road.
 - c. The remaining areas of the site are too steep to accommodate a drywell.
26. Engineer Parker testified that he did not make note of any areas of the site that exhibited excessive erosion or scour.
27. The Board concludes that drainage improvements are not required.

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

- (1) Revise the Zoning Schedule to list a two story house, not a one story house to the satisfaction of the Board Planner.
- (2) Revise the Zoning Schedule to list an 8.49 foot side yard setback to the east to the satisfaction of the Board Planner.
- (3) Revise the table of impervious cover to acknowledge removal of the existing paver walk from the main entrance to the deck to the satisfaction of the Board Engineer
- (4) Revise the Zoning Schedule to list the proposed lot coverage of 20.9%, and to remove items to effectuate the reduction in lot coverage to the satisfaction of the Board Engineer.
- (5) Site surveyor to sign and seal survey to the satisfaction of the Board Administrator.
- (6) Provide note that all pavers in front of the home and possibly encroaching on the right of way will be removed within 30 days of the adoption of this memorialization of the resolution. This condition excludes the walkway from the driveway to the main entrance to the satisfaction of the Board Planner.
- (7) Provide note that no additional lights will be provided on the deck to the satisfaction of the Board Planner.
- (8) Applicant to seek and obtain building permits for the deck from the Township Construction Official.
- (9) Resolution will grant all waivers requested.
- (10) Applicant shall submit proof of payment of real estate taxes through the third quarter of 2014 to the satisfaction of the Board Administrator.
- (11) Applicant shall deposit sufficient funds so as to satisfy the escrow charges relating to the application to the satisfaction of the Board Administrator.

ROLL CALL VOTE:

Those in Favor: Mr. Aroneo, Mr. Keegan, Mr. Gerecht, Chairman Behr

Those Opposed: None

Motion to approve the application was passed unanimously.

Mr. Gerecht motioned to adjourn. Mr. Keegan seconded the motion and the meeting was adjourned at 9:20 p.m.

CYNTHIA KIEFER
Planning and Zoning Secretary

Date