

BOROUGH OF MOUNT ARLINGTON
LAND USE BOARD
MEETING MINUTES
April 23, 2008

Meeting called to order at 7:34 p.m. "Pledge of Allegiance to the Flag" recited.

Roll Call: Levitt, Foley, Stanzilis, Hughes, vandenHende, Wilson, Simard, Fostle, Loughridge, Galate, Ondish, & LoPonte. Sendler was attending other meeting arrived at 9:10 p.m.

Motion to approve minutes of March 26, 2008 by Hughes, second by Levitt. All in favor.

Motion to approve vouchers. Motion by Levitt, second by Stanzilis. Yes: Levitt, Foley, Stanzilis, Hughes, vandenHende, Wilson, Simard, Fostle, Loughridge, Galate, Ondish & LoPonte.

Motion to deem Stellman application complete and schedule for a hearing date of May 28, 2008 by vandenHende, second by Galate. Yes: Levitt, Foley, Stanzilis, Hughes, vandenHende, Wilson, Simard, Fostle, Loughridge, Galate, Ondish, and LoPonte.

LeGates application postponed. Schedule for May 28, 2008 meeting. Does not need to re-notice.

FAR Discussion:

Phil – received comment from Sandor Nyari (construction official) concerning definition of building height. Definition was not consistent between zoning and construction.

Phil – Definitions of basement and story added to report

Phil – Definition of FAR excludes basement levels that are 65% or more buried. Volume of living area of structure is calculated.

LoPonte – Is land under the water calculated?

Selvaggi – Lot area does not include under water, but boathouse is included.

Selvaggi – feels comfortable with definitions and feels that board has enough information to send to council for second reading on June 9, 2008. Applications deemed complete before ordinance is passed will be okay.

Daren – Ordinance #08-08 will eliminate 20% variance

Levitt – What is purpose of FAR?

Phil – Eliminates large houses on smaller lots

Levitt – Refers to second paragraph of 7.5 zone in FAR report – should say median not average. Chart is wrong, blue line shows average not median.

LoPonte – Does FAR affect Master Plan?

Selvaggi – The idea in the Master plan is to show conformity around the lake.

Galate – Asks for suggestions on what could be changed in FAR

Selvaggi – 20% rule being eliminated, FAR could eliminate need for additional variance

Levitt – Will talk with Daren Phil for clarification on FAR

Selvaggi – Board can motion that Ordinance #08-08 FAR is consistent with Boroughs Master Plan and no changes are recommended. Adopt resolution for council's meeting on June 9, 2008.

Motion to adopt resolution of FAR Ordinance #08-08 for council's meeting on June 9, 2008 by Stanzilis, second by Wilson. Yes: Foley, Stanzilis, Hughes, vandenHende, Wilson, Simard, Fostle, Loughridge, Galate, Ondish & LoPonte
No: Levitt

Badgley application – construct a one-story addition onto an existing single-family residential dwelling. Seeking bulk variance relief from Borough Ordinance § 17-30.7(b)3

Badgley – existing is 1,185 square feet, proposed is 900 sq ft for a total of 2,085 square feet.

Selvaggi – Side yard variance?

Phil – Large lot – 1 story addition to side, 29.6 feet off of adjacent lot. Non-conforming because addition is greater than 20%

vandenHende – items that are non-conforming, pool and deck too close to adjacent empty lot. Playground is encroaching on empty lot.

Badgley – pool will be coming down to put in inground pool. Will check on playground issue.

Open to public: 8:51 p.m.

Frank Leprie (contractor for Badgley) would like to get building started

Closed to public: 8:53 p.m.

Motion to approve by vandenHende provided that safety of pool is addressed, second by Galate. Yes: Levitt, Foley, Stanzilis, Hughes, vandenHende, Wilson, Simard, Fostle, Loughridge, Galate, Ondish, LoPonte. None opposed.

Break: 8:54 p.m. – 9:05 p.m.

Sendler – Joins meeting

LoPonte – O'Connor application to be heard. There may not be enough time for Saracco application to be heard due to time but gives option to applicant to stay

O'Connor application –demolition of an existing two-story residential dwelling and detached garage for the purposes of reconstructing a new two-story residential dwelling with attached garage. Seeking bulk variance

Stanzilis steps down, Wilson moves up

John Ursin – attorney for O'Connor application sworn in and gives credentials

Ursin – recaps December meeting of O'Connor's previous application.

Selvaggi – reminds Ursin that this is a new board as of January, 2008.

Ursin – There are three non-conforming variances. Garage in front of house, but this will incorporate into house, side yard variance is needed because house is presently less than 3' applicant is proposing 5', where 10' is required in this 7.5 zone. Last variance is for lot coverage.

O'Connor – gives testimony that he has lived in Mount Arlington for 56 years with 20 years at his present address and he is a Construction Official in various towns and is therefore familiar with the building and zoning laws and the impact on his development proposal

O'Connor – would like to construct addition w/attached garage with living space above garage for in-laws. His proposal would take cars off the street where it is presently set back 5' and attach it to the house where it would be approximately 25'6" back. There will be wider doorways and an elevator. Three bedrooms are existing with three being proposed. Will eliminate concrete patio and plant grass and use pervious blocks to lower impervious coverage.

John Ruschke – Applicant's engineer sworn in and credentials given. Verified lot coverage. Applicant will remove pavement and establish a tire path for ramp using 2 - 2 foot strips of grass block. The area in front of the garage will be pervious surface minimizing pavement to decrease impervious coverage. Applicant will install drywell prior to construction (will do the same time as foundation and will run leaders to drywell). Silt fencing and hay bales will be put in place to minimize run off to the lake during construction and will install sod as soon as possible.

vandenHende – Will applicant agree to his Engineer's recommendations?

O'Connor - yes

Ursin – Mr. Phil's recommendations will be addressed and agreed to

Phil – Size of garage doors – 30' wide

LoPonte – Width of pavement for garage.

Ruschke – Limited to 30' wide pavement (same as width of doors)

LoPonte – Square feet of existing house is 1,750 square feet, square feet of proposed house is 3,500 square feet of living space which includes apartment over garage but not garage or basement.

Selvaggi – apartment is not allowed in 7.5 zone which is for single family dwellings. Mother/daughter is allowed if accessed through inside of house.

VandenHende – Will there be landscaping or trees planted.

O'Connor – no trees planted.

VandenHende – will there be grass or sod planted next to neighbors house?

O'Connor – yes

VandenHende – retention for leaders?

Ursin – refers to applicants engineer about location of drywell

Ruschke – grass area between house and lake

LoPonte – multi family not permitted

Ondish – mother/daughter is permitted

Selvaggi – Will applicant agree that it can't be rented.

O'Connor – will agree that it can't be rented. Will file for deed restriction indicating this.

Levitt – is a variance needed for driveway being too close to other driveway (within 50')

Phil – driveway is pre-existing

Selvaggi – impervious coverage. Final proposed impervious coverage approximately 35% if pervious pavement is used and approximately 50.5% if pervious pavement is not used.

Ursin – recommends making calculations of impervious coverage a condition of the approval of the variance.

Selvaggi – recommends not voting on application but allow him to draft a resolution and vote at the next meeting if the Borough Engineer confirms the calculations of the applicants engineer in reference to the impervious coverage. At the next meeting of the Land Use Board the board can either approve or deny and memorialize the resolution.

Phil – underneath the decks and the roof on the lake side of the house will that be blacktop?

O'Connor – no, it will be blocks

Ruschke – they will be of pervious pavement material

Selvaggi – refer to comment #7 – Flood Hazard Rules. The DEP will need to give jurisdictional approval. This can be a condition of approval of the variance

Ursin – applicant will make application to DEP

Hughes – What about extra apartment over garage?

Selvaggi – Applicant will file a deed restriction prohibiting them from collecting rent.

Open to public: 10:07 p.m.

Michael Stanzilis – 31 Willow Street, neighbor to O'Connor. Feels decrease in impervious coverage is a plus and that putting in a drywell for storm water run-off is better for the lake. Also by taking the garage down and moving it back will not only look better, but will be better from a safety issue. Applicant is willing to move house over increasing distance from neighbor.

Shaleen Gupta – 63 West Bertrand Road, neighbor to O'Connor. Is in favor of addition.

Closed to public: 10:11 p.m.

vandenHende – variances being sought

Selvaggi – side yard, impervious coverage, driveway for ramp. Garage eliminated and dock is non-issue.

vandenHende – deed restrictions

Selvaggi – apartment needs deed restriction. Conditions of variance are Jurisdictional Application to DEP for flood hazard and double row silt fences or hay bales. Mr. Ruschke will work with Mr. Phil about the drywell location.

Motion to have Mr. Selvaggi draft a favorable resolution that will either be approved or denied on May 28, 2008 and memorialized by Ondish, second by Levitt. Yes: Levitt, Foley, Hughes, vandenHende, Wilson, Simard, Fostle, Sandler, Loughridge, Galate, Ondish, LoPonte.

Selvaggi – Saracco application not heard this evening, can be heard at a later date without further public notice. Applicant must write a letter requesting postponement.

Motion to adjourn at 10:35 p.m. by Ondish, second by Sandler. All in favor.

Carolyn O'Connor