

Borough of Mount Arlington
Land Use Board
Meeting Minutes
May 10, 2006

Meeting called to order 7:35 pm. "Pledge of Allegiance to the Flag" was recited.
Roll Call: Nita Galate, Ken Morris, Frank Hughes, Robert van den Hende, Dennis McCole, Melissa Fostle, Scott Levitt, John Driscoll, Art Ondish. Absent: Mike Stanzilis, Margarette Wilson, JoAnne Sendler and Johanna LoPonte.

Motion to approve minutes of April 12, 2006 meeting by van den Hende, second by Driscoll. Ayes: Hughes, van den Hende, McCole, Driscoll, Ondish. Abstain: Galate, Morris, Fostle and Levitt.

Motion to approve vouchers: (1st vote) Motion by Hughes, second by Galate. Ayes: Galate, Morris, Hughes, McCole, Fostle, Levitt, Driscoll, Ondish. Abstain: van den Hende.

Motion to approve vouchers: (2nd vote) Motion by Galate, second by Hughes. Ayes: Galate, Morris, Hughes, van den Hende, Mc Cole, Fostle, Driscoll, Ondish. Abstain: van den Hende.

Motion to memorialize Windemere Associates Resolution Block 38 Lot 4, driveway. Motion by Ondish, second by Hughes. Ayes: Galate, Morris, Hughes, Fostle, Levitt, Driscoll, Ondish. Abstain: van den Hende, McCole. Motion approved.

Motion to memorialize Martin resolution Block 10 lot 39 (revision to wording in original resolution), addition motion by Hughes, second by Galate. Ayes: Galate, Morris, Hughes, McCole, Fostle, Driscoll, Ondish. Abstain: van den Hende and Levitt. Motion approved.

Motion to deem Turner Block 123 Lot 65, 478 Windemere Avenue (two story addition) complete and schedule for June 14, 2006 hearing date. Motion by Hughes, Second by Driscoll, all in favor.

Motion to deem Higgins Block 57 Lot 9, 21 Bertrand Island Road (second story addition) complete and schedule for June 14, 2006 hearing date. Motion by Hughes, second by Galate, all in favor.

Waiver requested - Bob and Judy Van Zeyl 33 Bertrand Island Road refer to letter written to Board requesting waiver for various items.

Item #1 – Board could agree to resubmit application, previous action was to dismiss without prejudice. Questioning fees to be submitted. Galate – is it same application? Selvaggi – Board has to make determination. Legally he feels application should be resubmitted, fee is a policy decision of the Board.

Van den Hende – feels applicant should only be responsible for additional application fees (new variances) and submit application copies. Motion to accept waiver, application to include all variances, fees would be limited to variances not previously requested and escrow fees. Motion by van den Hende, second by Galate. All in favor.

Item #2 – Daren Phil – impervious coverage – if calculation is provided, doesn't need aerial, just need to provide calculation to Board. Need prior to construction and new calculations. Motion to accept waiver request of aerial by van den Hende, second by Levitt. All in favor, motion approved.

Item # 3 – Mr. Van Zeyl – Topography map – level land and doesn't feel it is necessary, very costly. Daren Phil – was requested by Board to ask from all applicants. Selvaggi – necessary here? Van den Hende – feels precedence being set, doesn't believe waiver should be granted. Levitt concurs.

Ondish – issue of consistency, also agrees should be required.

Van den Hende – motion to deny topography waiver request, second by Hughes. Motion to deny waiver requested for topography by van den Hende, second by Hughes. All in favor. Motion approved.

Old Business: Water's Edge Design Block 18, Lot 5.01 demolition and construction of a single-family dwelling. Jeff Rawding summarizes previous testimony. Revised plans, moved house back 12 additional feet.

Exhibit S1 4/4/06 revised plan – reduced driveway area reduced to 2 car garage.

Driveway agreement with neighboring property owner. Down to 16 ½ % grade down slope. Retaining walls and curbed driveway. Reduce slopes except between 10 – 15%, which was increased. Rosenblatt's have given permission to utilize portion of property for driveway improvements. Jeff Rosenblatt (witness) letter marked A4 submitted for record.

April 24, 2006 technical review letter from Daren Phil – applicant concurs with requests. Item #11, would like to work with engineer to comply with tree removal ordinance. Item #14 no walls greater than 4', items #17-22 – will discuss variance issues guardrail no longer required, landscaping, rocks. No proposed work on docks. 6 (six) variances requested – 1 for 19.6% impervious coverage. 3 (three) for slopes one for adjacent lot. 1 for 3 stories instead of 2 and 1 for driveway grade exceeds requirement.

Applicant summarizes testimony and variances requested.

Van den Hende – slope drainage to sidewall of garage. Rawding – catch basins in driveway, slopes toward that. Will clearly indicate in revised plan. Open to public, no comments, closed to public. Selvaggi summarizes variances requested. Conditions of Daren Phil's letter, temporary construction easement verify existing easement with Rosenblatt. Van den Hende – trees not to exceed height of house to block neighbors view.

Motion to approve by van den Hende, second by Ondish. Ayes: Galate, Morris, Hughes, van den Hende, McCole, Fostle, Levitt, Driscoll and Ondish. Motion approved.

New Business: Langer, 21 Hopatcong Avenue, Block 14 lot 15.03 – pool. Dr. and Mrs. Langer, 21 Hopatcong Avenue. Mr. Fred Stewart, professional engineer for applicant. Stewart refers to plans. Relocating railroad tie wall to install pool surround by brick pavers. Locate pool closer to house than lake. Refers to Daren Phil letter of 5/5/06,

technical review comments. Van den Hende – PVC pipe for drainage from retaining wall to drywell? Stewart – prefer no drywell, as lake is right there.

Daren Phil- grate could be added to pavers.

Selvaggi – reminds applicant of Lake Hopatcong Commission recommendations.

Applicant is willing to comply.

Open to public

Robert O'Donnell, 33 Edgemere Avenue, in favor of project.

John Simon, owner of 31 and 37 Edgemere Avenue, no objections to project.

Close to public.

Selvaggi summarizes application. Increases impervious coverage, within 12' of lot line, grading into steep slope. Conditions – LHC recommendations, grates in pavers for storm water runoff. Motion to approve by van den Hende, second by Ondish. Ayes: Galate, Morris, Hughes, van den Hende, McCole, Fostle, Levitt, Driscoll and Ondish. Motion approved.

Foley application Block 57 lot 3, 35 Bertrand Island Road, single-family addition. David Zimmerman, planner working with applicant. Karen Foley sworn in to provide testimony about what they propose to do. Fred Stewart, engineer for project. Dennis McCole, resides in Lakeshore Harbor, will recuse himself from hearing this application.

Photo exhibit A1 view of house. Enlarge first floor living area over existing blacktop.

Second story addition over that. Mr. Stewart sworn in provides testimony on plans submitted with revisions based on technical review letter from Daren Phil. van den Hende – gutters and leaders? Stewart – remain directed toward lake. Van den Hende – drywell to slow down? Phil – not necessary. Phil confirm turnaround out of driveway? Stewart will address. Van den Hende – number of bedrooms? Still 3, sufficient parking.

Open to public –

Bob Van Zeyl, 33 Bertrand Island Road – welcomes changes, no objection to neighbors plan, considers it an improvement.

Close to public.

David Zimmerman – sworn in as planner. Summarizes application.

Exhibit A2 (view from Lakeshore Harbor side of property)

Exhibit A3 (photos from Bertrand Island Road of the home)

Open to public, no comments, closed to public.

Phil confirms 2 ½ stories. Van den Hende – oil tank? Being removed, gas line installed.

Selvaggi summarizes application and variances needed as per Daren Phil letter. C1 and C2 standards, condition – check on turning radius in driveway, show gas line installation.

Motion to approve by Galate, second by van den Hende. Ayes: Galate, Morris, Hughes, van den Hende, Fostle, Levitt, Driscoll and Ondish. Motion approved.

Due to late hour, Adamski application will be heard (first) at June 14, 2006 meeting.

Dennis McCole returns to hear Chaplin application. Mayor Ondish excuses himself from meeting at 10:40 p.m. for business trip.

Old Business: Chaplin Homes, Block 87 lot 4 underground utility issue. Mr. Larry Kron attorney for Chaplin Homes. Engineer for original application inadvertently indicated underground utilities on application. All above ground utilities in area. Engineer for project wrote letter to Daren Phil indicating same. Underground utility not required by ordinance, not a subdivision. Selvaggi discussed with Mr. Kron earlier and concurs. Galate – have last pole removed? Selvaggi – future development would be responsible. Kron – Power Company will move that pole. Van den Hende – feels Board voted on plans, underground utilities were part of why he approved. Board debates further field changes vs. required to come before the Board.

Van den Hende to Selvaggi – legally amendment? Selvaggi – could have been a field change. Van den Hende – conflict of interest, as Mr. Chaplin former member of the Board? Selvaggi concern should be decision being made, if this correction should be allowed.

Galate – motion to keep as is. Pole in appropriate location behind curb. Motion to approve by Galate, second by Hughes. Ayes: Galate, Hughes, McCole, Fostle, Driscoll. No: Morris, van den Hende. Abstain: Levitt. Motion approved.

Motion to adjourn meeting by Fostle, second by Hughes. All in favor.
Meeting adjourned at 11:15 p.m.

Carolyn Rinaldi
Clerk/Secretary