

BOROUGH OF MOUNT ARLINGTON
LAND USE BOARD
MEETING MINUTES
August 9, 2006

Meeting called to order 7:40 p.m. "Pledge of Allegiance to the Flag" recited.
Roll Call: Nita Galate, Ken Morris, Frank Hughes, Robert van den Hende, Margarett Wilson, Ray Simard, Melissa Fostle, JoAnne Sandler, John Driscoll and Art Ondish.
Absent: Michael Stanzilis and Johanna LoPonte.

Michael Selvaggi, Board Attorney explains that the Vice Chairman position has to be filled. Mayor Ondish nominates Nita Galate, second by Rob van den Hende. All in favor. Vice Chairwoman Galate will chair tonight's meeting.

Motion to approve minutes of July 12th meeting with correction to Higgins application. Per Mr. van den Hende, shed dimensions and location are incorrect. The shed being removed is 9 x 20 and the replacement shed agreed upon would be no greater than 8 x 10. The replacement shed would be located near the retaining wall in the parking area towards the front of the property, but not to be closer than two (2) feet to the adjacent property. Motion to approve minutes with correction by Ondish, second by Hughes. All in favor, minutes approved.

Voucher List:

Michael Selvaggi escrow

Foley \$553.50
Chaplin Homes \$270.00
Adamski \$202.50
Schneider \$283.50
Mt. Arlington adv. Lake Rogerene Association \$4759.80
Mt. Arlington adv. Lake Rogerene Association \$ 891.00

Roxbury Register

Legal ad – publish resolutions \$8.37
Legal ad – publish resolution \$6.05

Daily Record

Legal ad – publish resolution \$10.56
Legal ad – publish resolution \$12.87

Suburban Consulting Engineers Escrow

Adamski \$32.50
Langer \$32.50

Higgins \$165.00
D'Amico \$284.14
Nadzeika \$757.89
Rigosi \$152.89
Watersedge Design \$65.00
Hansen \$130.00
Turner \$155.00
Chaplin Homes \$37.50
Chaplin Homes \$40.70
Foley \$783.75
Shadow Woods \$550.00

Motion to approve vouchers by Sendler, second by van den Hende. All in favor, vouchers approved.

Motion to schedule Schneider application for change of use, Block 21 Lot 6, 61 Mountainview Avenue for September 13, 2006 hearing date. Motion by van den Hende, second by Hughes. All in favor.

Seasons Associates / Shadow Woods application- per Mr. Selvaggi, applicant was requesting a hearing at the work session of August 23rd, this would require notice as a regular meeting. Board sees no reason for special meeting, motion to deem complete and schedule for hearing at the September 13th meeting. Motion by van den Hende, second by Hughes. Ayes: Galate, Hughes, van den Hende, Wilson, Simard, Sendler, Driscoll and Ondish. Abstain: Morris and Fostle. Motion approved.

Motion to memorialize resolution for Higgins, Block 57 Lot 9, 21 Bertrand Island Road, second story addition. Needs revision to show corrections as indicated in July 12th minutes corrections. Statement of facts portion of resolution needs to be corrected as well. Motion to approve with corrections by van den Hende, second by Hughes. Ayes: Galate, Morris, Hughes, van den Hende, Wilson, Simard, Fostle, Sendler, Driscoll and Ondish. Motion approved.

Motion to memorialize resolution for Nadzeika, Block 51 Lot 2, 93 Bertrand Island Road, two-story addition. Motion by Hughes, second by Fostle. Ayes: Galate, Morris, Hughes, van den Hende, Simard, Fostle, Sendler, Driscoll and Ondish. Abstain: Wilson. Motion approved.

Old Business:

Adamski, Block 10 Lot 17 59 McGregor Avenue – new dwelling and attached garage. Mr. Kron, attorney for applicant. Revised plan – reduced foundation, modifications incorporated into revised plans. Mr. Baker, surveyor, provides testimony about revisions, grading change, technical review by Daren Phil and discussion at previous meeting. Mr. Adamski does not wish to plant shade trees, will obstruct lake view. Fire Department report – house will now be 37' from the road, not 70' as indicated. Mr. Adamski (previously sworn in) comments on basement. Laundry room, “rec room”. Van den

Hende – becomes three stories? Galate – yes, plans show a walkout basement. Kron – amend application to include variance for three stories.

Phil – DEP stream encroachment permit any disturbance 25' within high-water mark requires application – can request waiver. Should be condition of approval.

Baker – plan could be modified so grading wouldn't create need for DEP stream encroachment permit.

Landscaping discussed. Baker recommends Upright Juniper's along westerly side of garage, would provide aesthetics that applicant is looking for and satisfy Board request for plantings.

Phil – yard area? What is Board expecting? Plantings – left front corner planting bed without interfering with side yard and areas surrounding garage.

Galate – side yards? Existing 10.4, proposed 6.8.

Selvaggi – both neighboring homes renovated? Kron – yes. Both here to testify.

Mr. and Mrs. Hill sworn in. Residents of 61 McGregor Avenue – feels this would be an asset to the neighborhood and Mount Arlington. Van den Hende to Mrs. Hill – fire safety concerns? Mrs. Hill – no concerns. Hughes – affect your view? Mrs. Hill – no, not if you don't put a tree in the backyard.

Baker – shrubs proposed around deck, obstruction not an issue. Both Mr. and Mrs. Hill have no objections to this application.

Galate – have you considered if Mr. Adamski moved and a large family moved in? Close proximity an issue? Hills aren't concerned.

Ms. Suzanne Dohm, 57 McGregor Avenue sworn in. Lives with her father next to the applicant. Mr. Adamski showed them around the property, what was proposed. Side has no bearing; they don't have many windows on that side of their house.

Kron – feels present home is a fire hazard. New home would be required to meet all appropriate fire codes. Neighbors endorse proposed application.

Phil – comments on architectural. Sandler – Board's position is to vote on what is proposed, not create an application.

Van den Hende – comments on close proximity typical of previous applications, makes each application more difficult to review. Wilson agrees with Sandler's comments.

Selvaggi – summarizes variances requested. Focus on property and existing building. Negative criteria needs to be determined, if any. Variances needed for side yards, height, impervious coverage, use of fill/ excavation within 5' of property line and minimum distance between driveways. Motion to approve made by Sandler, second by Hughes.

Ayes: Morris, Wilson, Simard and Driscoll. No: Galate, Hughes, van den Hende, Fostle, Sandler and Ondish. Motion of approval denied.

New Business:

D'Amico, Block 119 Lot 6, 12 James Drive – two story addition. Chris D'Amico (owner) and Pat D'Amico (contractor) sworn in. Proposing two-story addition on rear of house with a deck. Required to request a variance due to ordinance (second floor not to exceed 20% of first floor) that is in the process of revision at the direction of the Board. No other variances required. Board reviews plans, reviews Daren Phil's comments. Open to the

public, no comment, close to the public. Motion to approve by Ondish, second by Morris. All in favor, motion approved.

With Board's authorization, and due to no revisions required in plans, applicant may proceed with filing construction permit application. Secretary Rinaldi to notify Construction Official Sandor Nyari of Board's decision and that a resolution will be prepared for the September 13th meeting.

Draft Ordinance discussion. Amendment proposed to Article IV Development Procedures and Article VIII Zoning of the Land Use Ordinance. After some discussion and based on information provided by Dug Kimball, Daren Phil and Michael Selvaggi it was determined this discussion would be premature as more information is going to be collected, possibly incorporate a floor area ratio. Checklists will also have to be further revised. Daren will contact Dug, draft ordinance will be presented at a later meeting.

Motion to adjourn meeting by van den Hende, second by Sandler. All in favor.

Meeting adjourned 9:40 p.m.

Carolyn Rinaldi
Clerk / Secretary