

**Township of Denville
Planning Board
Meeting Minutes**

December 14 ,2016

The Planning Board of the Township of Denville held its regular scheduled meeting on December 14,2016. The meeting was held in the Municipal Building,1 St Mary's Place and commenced at 7:30pm. Chairperson Buie presided.

Secretary Unrath read NOTICE OF PUBLIC MEETING

ROLL CALL:

Present: John Ciardi, Sue Filauro, Louis Maffei, Mark London, Kurt Schmitt, Chairperson Glenn Buie.

Absent- Stephanie Lyden, Marilyn Kuntz, Mayor Thomas Andes

Prf. Present: Scott Eveland Esq., Jason Kasler, AICP, PP, John Ruschke, PE,

MINUTES

A Motion to adopt the October 26th minutes was made by Mbr London, seconded by Mbr Filauro and unanimously approved by all members able to vote.

PURCHASING

A motion to pay vouchers submitted by The **Buzak Law Group** was made by Maffei, seconded by Mbr London and unanimously approved by all members able to vote.

A Motion to pay vouchers submitted by **Mott MacDonald** was made by Mbr Maffei, seconded by Mbr London and unanimously approved by all members able to vote

A Motion to pay vouchers submitted by **Kasler Associates was** made by Mbr Maffei, seconded by Mbr London and unanimously approved by all members able to vote

RESOLUTIONS

NONE

PUBLIC HEARINGS

MS/SM 16-03

**Luke Olenowski
26 Zeek Rd
Block 11202, Lot 7**

Theodore Einhorn (Einhorn & Harris- 165 East Main Street, Denville) will represent the applicant. The applicant is seeking to subdivide his property. The lawyer states that subdividing this property into 2 lots instead of 3lots is better for the town and neighbors.

Luke Olenowski (26 Zeek Rd)- Sworn in and testified. Owner of property since 1997. The property is a total of 6 ½ acres. This property also holds an apple orchard. Exhibit A-1 shows the existing property with the accessory structures, landscape and apple orchard. The applicant built a carport about 3 yrs ago without a variance, but is now seeking a variance on this current application. Mr. Olenowski is proposing to subdivide his property hoping to be able to build a house for his daughter and her family. Exhibit A-2 shows the proposed house and where the subdivision would take place. The proposed driveway would come off Zeek Rd and pass the apple orchard. Exhibit A-3 shows the 3-lot subdivision which was considered, but would cause more disturbance for soil and trees. The applicant states that the proposed property which was presented in exhibit-2 works best for him.

Jeffrey McEntee(59 Broadway)- Sworn in a licensed architect. The proposed house is a 2 story and 5br dwelling and is consistent with the surrounding houses in the neighborhood. The applicant is seeking a variance for a side yard setback of 25ft.

Marc Walker- Sworn in a professional engineer- States he tried to construct a single-family home with limited disturbance. There is minimal limit disturbance with trees with the proposed construction. The only disturbance of trees would be the creation of the driveway. The property is set for 3 ½ building lots, but the application is only proposing to build on 2 ½ building lots. In creating this new lot there was no way of creating frontage space to meet the right of way. The only way to have conforming lot width is to build a cul de sac which is shown in exhibit A-3. This construction would create more disturbance in tree removal and storm water management. Variances are being requested for the barn and proposed house. There is a steep slope disturbance to make sure there is enough distance between the two houses. In regards to Storm Water Management this is a minor project because it disturbs less than 1 acre. The total accessory structure including the swimming pool is 3,030 sf this is excessive for what the ordinance allows. Mr. Walker states there are no issues with comments made by Mr. Ruschke in his memorandum.

David Zimmerman- Sworn in a professional planner. Exhibit A-4 shows an aerial photo of properties surrounding the proposed house. Mr. Zimmerman further explains that the surrounding houses have unique shaped lots similar to the lot being proposed. Mr. Zimmerman states this property does benefit the municipal land use law and there are no detriments from this proposed construction. This application does meet the C1 and C2 criteria's and there will be no negative impact. There are no concerns for this particular flag lot.

Jeffrey Bauer- 24 Zeek Rd- States that he discussed the plans with Mr. Olenowski and at first, he was not thrilled about the idea, but after discussing in detail what was going to occur it put him more at ease. Mr. Bowers house is positioned next to Mr. Olenowski's back yard and it was discussed between the two of them to put up screening to give both of them more privacy.

Mr. Olenowski agrees to work with Mr. Bauer to create a privacy screen between them, perhaps some sort of tree barrier.

Edward Epple- 28 Zeek Rd- States that Mr. Olenowski did discuss the proposed plans with him. Mr. Epple does feel that this proposed plan does work well with the property. He would rather see the single house construction rather than the cul de sac.

Meeting break 9:10-9:17

Open to professionals

John Ruschke, PE- Mentions the side yard variance for lot 7.02 and the lot next to is township owned. That eventually something can be built on that lot. Discusses front yard dimensions and encroachments to the fences between neighbors.

Jason Kasler, PP- Expresses concern for fire departments accessing this house. Discusses with Mr.Zimmerman the particulars of each lot.

Open to the public

Karen Gibbons (22 Zeek Rd)- States that she hopes this proposed construction will keep the integrity of the neighborhood.

Vincent Kellet- Rocky Heights Rd- States that he is in favor of the subdivision being proposed.

Open to the board members

Mbr. Filauro- Questions how an easement works for any new property owners. Discusses more of the apple orchard and variances.

Mbr. London- Discusses the drywell encroaching on the twp. owned land and the setback requirements. Mentions flag lots and it does not set president for this property.

Chr Buie- Confirms with the applicant that something can be mentioned in the resolutions stating they are okay with the setback requirements by the twp. owned land.

Mbr Schmitt- Clarifies with the architect that the proposed construction is a 5bdr house and the septic system will correlate with this. Questions that if the pre-existing barn were ever taken down, can it be built without a variance. Mr. Einhorn states that if a preconforming structure already exists that it should be grandfather in.

Mbr Ciardi- Questions how far the dog park is from property line. Mr. Olenowski states it's about 25ft away. There are discussions about potential plans the town might have about using the property behind the house.

Mbr. Maffei- Questions the easement of the property. Also, expresses concern of fire department access to this property.

Chr Buie- Clarifies that revisions will be made on the septic plans and architectural plans to show a 5br house.

Scott Eveland, Esq- Summarizes screening the carport for privacy, easement for the existing barn, conditions for maintaining the driveway, revisions to show the 5bdr house and septic, there are no approvals for fences and a deed notice for the lot owned by the town.

A motion to approve this application was made by Mbr, Filauro, seconded by Mbr. Maffei, and approved by members of the board.

Aye: Filauro, Maffei, Ciardi, London, Schmitt, Buie

Board went into executive closed session 10:21-10:31

A motion was made to go into closed sessions was made by Mbr. London, seconded by Mbr. Filauro and approved by all members of the board.

New Business

There were discussions amongst the board members of the process of how the building department permit process works and if the departments have comments on an application it should be submitted to the planning board members.

Adjournment

Meeting Adjourned 10:45

Melissa Unrath, Board Secretary

Date Approved: