

**MINUTES OF REGULAR ZONING BOARD OF ADJUSTMENT  
MEETING HELD ON TUESDAY, MAY 8, 2018**

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Chairman Byrne called to order the regular meeting of the Board and announced the meeting was duly advertised in compliance with the Open Public Meetings Act by noticed dated May 2, 2018 sent to the Daily Record, Suburban Trends and posted on the bulletin board and website at Borough hall. All stood for the Pledge of Allegiance.

**PRESENT: BRACCHITTA, BYRNE, ERICKSON, FOREMAN, KUBISKY, WOLFSON, ZAPF, DUBOWSKY (ALT. #1) AND ZALEWSKI (ALT. #2)**

**ALSO PRESENT: BOORADY, ENGINEER AND ALEXANDER, COUNSEL**

Chairman Byrne stated the first order of business is the approval of the April 10<sup>th</sup>, 2018 minutes.

Ms. Ward mentioned the members that can vote are Bracchitta, Erickson, Wolfson, Zapf, Dubowsky, Zalewski and Byrne who arrived a little late.

Mr. Zapf stated no corrections. I'll make a motion to accept the minutes.

Mr. Erickson seconds.

**Roll call:**

**Yes: Zapf, Erickson, Bracchitta, Wolfson, Dubowsky (Alt. #1), Zalewski (Alt. #2) and Byrne**

**No: None**

**Abstain: None**

Ms. Ward mentioned they are approved.

Chairman Byrne stated the next order of business is Variance Application #2017-06 and Grading Permit Application #G16-01 by Goran Vucenovic, on property known as Block 46.4, Lot 193 on the municipal tax map, also known as 225 Susquehanna Avenue. This is a waiver request right?

Ms. Ward mentioned it is a waiver request to deem them complete and then a public hearing to follow.

Mr. Alexander swore in Mr. & Mrs. Vucenovic. Please give us your name and address for the record.

Mrs. Vucenovic testified Sandra Vucenovic, 225 Susquehanna Ave., Lincoln Park, New Jersey.

Mr. Vucenovic testified Goran Vucenovic, 225 Susquehanna Ave., Lincoln Park, New Jersey.

Chairman Byrne asked do you want to just give us a quick summary.

Mr. Vucenovic testified basically we want to build a shed 12 x 14 and a small retaining wall on the left hand side of the property. We originally wanted to build the shed on the right side of our property but since it is a corner lot there is a 40 foot setback, so it would be in the middle of the backyard.

Chairman Byrne stated okay.

Mr. Vucenovic testified since we are on top of the hill the terrain is difficult to work with so we figured we would move it to the left where we could keep it out of the way and still have a backyard.

Chairman Byrne stated okay.

Mr. Vucenovic testified we are just asking for a fence on top of a wall over 6 feet as part of the request.

Mrs. Vucenovic testified the retaining wall.

Mr. Vucenovic testified right the retaining wall and the slopes right?

Mrs. Vucenovic testified I think that is what the grading permit was for because of the percentage of the slope.

Chairman Byrne stated okay.

Mrs. Vucenovic testified and then the shed being over a certain amount of feet I believe.

Mr. Vucenovic testified less than 200 but over 100.

Chairman Byrne stated okay.

Ms. Ward asked Tom if he wanted to address the completeness waivers.

Mr. Boorady stated sure. I issued a report on May 1<sup>st</sup> and I believe everybody should have a copy of it. There are two completeness waivers; Item 6.M and 6.FF and those are essentially the waivers that show utilities and other information within 200 feet. Since this project involves a shed, I have no engineering objection for you not showing utilities beyond the subject property. The utilities on the subject property have been shown, it is just those utilities and information beyond the 200 feet that haven't been shown. Based upon what they are proposing; a shed, retaining wall and some fencing I have no engineering objection to granting a waiver for those items.

The Board should act on those first, then you can proceed with the public portion.

Chairman Byrne asked does someone want to make a motion to grant the waivers.

Mr. Foreman made the motion to grant the waivers.

Mr. Zapf seconds.

**Roll call:**

**Yes: Foreman, Zapf, Bracchitta, Byrne, Erickson, Kubisky and Wolfson**

**No: None**

**Abstain: None**

Ms. Ward mentioned you're complete.

Chairman Byrne asked Tom to go over his report.

Mr. Boorady stated I'm sure everybody has the report so I'll paraphrase a little bit. The subject property is a corner lot so you have two front yards, two side yards and no backyard.

A shed is allowed to be 5 feet from the back property line, but there is no back property line so they have to use a side yard setback on both legs and that is 10 feet. They are proposing 5 feet so they need a variance to permit 5 feet side yard where you would normally need 10 feet.

The shed itself is 12 by 14 and you are allowed a 200 sq. ft. for a shed in Lincoln Park so the shed conforms in size. It is just at 168 sq. ft. and it is going to be 5 feet instead of 10 feet from the side yard so that is the shed variance.

The walls that need to be built are less than 6 feet which is conforming but by the time you put the fence on top of it it exceeds the 6 feet requirement, so the combine height of the fence and the retaining wall needs a variance; 9.75 feet where a maximum of 6 feet combination of wall and fence is permitted, and that is out of Section 28-197 of the code which regulates both fences

and walls together.

The property has some steep slopes and Borough Code 17-195 regulates steep slopes in Lincoln Park. You are only allowed to disturb certain percentages of slopes based upon the steepness, between 15% and 19.90%, but they are requesting to disturb 662.36 sq. ft. where a maximum of 381.95 sq. ft. is permitted to be disturbed. Slopes greater than 25% you are not allowed to disturb any slopes in Lincoln Park greater than 25% and they are proposing 921.08 sq. ft. of disturbance. The engineer for the applicant prepared a slopes plan that shows exactly where they are disturbing. So those are the 3 variances that are needed; the shed setback, the wall and fence height and the steep slopes disturbances.

Chairman Byrne asked what is the purpose of not disturbing a steep slope.

Mr. Boorady stated erosion, runoff and maintaining vegetation on the pre-existing slopes. Once you start disturbing those slopes they become erosive and could cause problems, so the retaining walls that they are proposing is actually a good engineering solution to stabilize those slopes. You know from an engineering perspective I don't have an objection to disturbing the steep slopes because they will be stabilized by retaining walls.

It is a difficult lot in that neighborhood, especially when you have a hilly type of topography and the water tank up there. So they are encumbered by steep slopes on their property and around them, so it's difficult to do anything on those properties without some sort of variance for steep slopes.

Chairman Byrne asked the seepage pit is that for the runoff of the shed or for the whole project.

Mr. Boorady stated there is some sidewalks and patios and the shed, and based upon that net increase they are proposing a seepage pit to control some of that runoff. Below the house it is also steeply sloped so they are going to catch all of that and put it in a seepage pit so they don't bother anybody downstream which is a good solution.

Chairman Byrne mentioned okay.

Mr. Boorady stated the impervious coverage is conforming by the way, but they are increasing it by a couple of percent so they've offered to put in a seepage pit.

Chairman Byrne mentioned the grading permit was already filed but it just hasn't been approved yet.

Mr. Boorady stated you are approving both; variances and grading permit tonight, or considering approval of both variances and grading permit.

Chairman Byrne mentioned okay. Does anybody have questions for the applicant? No? I have no questions either, so let's open this up to the public. Anyone from the public want to comment on this application? Going once, twice, so let's close the public portion.

Mr. Alexander mentioned Tom, you have some items in here that the applicant needs to answer.

Mr. Boorady stated pages 3 and 4 of my report, Items 1 through 7 are some corrections that need to be made by the engineer, just some very minor corrections, and I know you went through two revisions already but this is just some minor detail. You know the corrections I had to make beforehand where enough to be heard here, enough information, but then there is some minor detail they are going to have to tweak if they get this approved.

So 1 through 7 you would have to agree to have your engineer make the changes. Unfortunately there is a little bit of deed work to do if you're granted a slope variance. The way the code book reads in Lincoln Park is that they can consider it but you would have to restrict your property from further disturbances from steep slopes.

Basically you would have to come back here again if you wanted to further disturb your property. If you wanted to build a pool or do something else, and it speaks to it in the Borough code, so it

is kind of a requirement that you have to modify your deed. The rest of those items are changes by the engineer.

Item 8 and beyond are just general conditions for a grading permit. Basically that you are going to follow your plan, that you are going to call for inspections on the retaining wall and seepage pits so I can verify that it went in properly, and you are going to provide an as-built and maintain the escrow account, so items 8 through 15 you have to agree to accept the conditions in the resolution. Items 1 through 7 you would also agree to, but most of them deal with the engineer and the deed restriction.

Chairman Byrne asked do you have any questions of us.

Mrs. Vucenovic testified no. I guess we'll have to figure out what the deed restriction means and what process you have to go through to update that.

Mr. Boorady mentioned Joan has examples of prior deed restrictions that were done for other properties in Lincoln Park. You are not the only steep slope property, it is a fairly short paragraph to put in the deed and you know it kind of goes with the variance.

Mrs. Vucenovic asked and it just explains what we did.

Mr. Boorady stated it just says that you are disturbing steep slopes and you are not going to disturb anymore without prior approvals.

Mrs. Vucenovic testified okay. Then the 7 changes for the engineer I guess those are calculations.

Mr. Boorady stated no they are just plan notes.

Mrs. Vucenovic testified plan notes okay.

Mr. Boorady stated plan clarification let's say.

Mrs. Vucenovic asked are those normally standard with engineering drawings and I was wondering why so many would be missing I guess.

Mr. Boorady stated some of them are minor.

Mrs. Vucenovic testified okay.

Mr. Boorady stated they're actually all pretty minor. Like I said, I try to get people far enough along for completeness and then once you are complete I try to add on the level of detail that you are going to need to build it.

Mrs. Vucenovic testified okay.

Mr. Boorady stated so if they are contracted to do this, they are going to have to know certain things. You know the wall details connecting all the roof leaders to the seepage pit, fencing required on walls that are 30 inches or higher, certain type of geotextile to go over on the seepage pit and just bringing it into the level of detail that any contractor can read.

Mrs. Vucenovic asked these are required before a certain I guess walk through right before the review is done. Is there a certain timeline when these need to be completed by those first 7?

Mr. Boorady stated well variances have a year life span right? You have to put a shovel in the ground before the year.

Mr. Alexander stated before the year.

Mr. Foreman mentioned basically what he said, you have to agree to comply with all this stuff.

Mr. Vucenovic testified okay.

Mr. Foreman stated if it was found out that you didn't, then you'd have to go back and do it over again, right Tom?

Mr. Boorady stated the plans will have to be revised before you can start any work.

Mrs. Vucenovic testified that's what I'm asking.

Mr. Boorady stated the deed restriction can happen before you get a C.O.

Mrs. Vucenovic testified okay.

Mr. Boorady stated so you can start working and then work on your deed restriction while you are doing it.

Mrs. Vucenovic testified we can't start work until the engineer does these first 7 though.

Mr. Boorady stated I'm telling you they are pretty minor.

Ms. Ward mentioned we will need 8 sets of revised plans.

Mrs. Vucenovic testified okay.

Mr. Vucenovic testified okay.

Chairman Byrne stated and if it is approved, they can't do anything for a month anyway as far as that goes right?

Ms. Ward mentioned well you are going to need a resolution.

Chairman Byrne stated right.

Mr. Boorady stated right.

Chairman Byrne mentioned they could take care of the 7 things before that time frame.

Mr. Boorady stated absolutely, they are pretty minor plan notes. I don't think their engineer is going to have much of a problem adding these notes they are pretty minor.

Mrs. Vucenovic testified okay.

Mr. Vucenovic testified okay.

Ms. Ward stated call me and we can talk about the deed.

Mrs. Vucenovic testified okay.

Chairman Byrne asked does anyone have any questions. Does someone want to make a motion to approve as listed?

Mr. Zapf made the motion to approve the application.

Mr. Foreman seconds.

**Roll call:**

**Yes: Zapf, Foreman, Bracchitta, Byrne, Erickson, Kubisky and Wolfson**

**No: None**

**Abstain: None**

Ms. Ward mentioned the resolution will be scheduled for the June 12<sup>th</sup> meeting and you do not

have to be in attendance. I will send you a copy of the resolution and if you have any questions, please let us know, otherwise it will be adopted on the 12<sup>th</sup>

Mr. Vucenovic testified but in the meantime we'll get this ready.

Mrs. Vucenovic testified in the meantime we can work with the engineer.

Mr. Boorady mentioned they are pretty minor details and he should be able to fix them pretty quickly and then bring them all to Joan.

Mrs. Vucenovic asked by the 12<sup>th</sup>.

Mr. Boorady stated no, whenever he completes it.

Mrs. Vucenovic testified okay.

Chairman Byrne stated the 12<sup>th</sup> is when the resolution will be adopted.

Mrs. Vucenovic testified I'm talking about the updated plans, so you don't need the plans by the 12<sup>th</sup>.

Chairman Byrne stated no, you have a year to get it done.

Mr. Boorady stated don't take a year though.

Mrs. Vucenovic testified I would not like to take a year.

Chairman Byrne stated you are all set.

Mr. & Mrs. Vucenovic thanked the Board.

Chairman Byrne stated the next item on the agenda is waiver request by Steven C. Schepis with reference to Variance Application #2018-01 (use/bulk) and Minor Site Plan Application #368 by Gino Battaglia, on property known as Block 42, Lot 1 on the municipal tax map, also known as 51 Chapel Hill Road.

Mr. Schepis stated I'm here tonight on behalf of Mr. & Mrs. Battaglia. Mr. Mianeki is here also.

The property is across the street from the municipal building and it is currently a three-family dwelling. Mr. & Mrs. Battaglia would like to surrender their mountain fortress up on Leatherstocking Path and move down over here and be closer to town hall. They would like to expand one of the three units in the building and make their residence there.

We have an application before you that involves a d 2 variance which is an expansion of a pre-existing nonconforming use. As part of the application, we did submitted correspondence from the former zoning official, Gary McNabb, confirming that his investigation revealed that it was a lawfully pre-existing three family from before the zoning.

We submitted a detailed list of waiver requests. Mr. Mianeki prepared the request and we received Tom's report. We have reviewed the report and we are here tonight to discuss waivers.

Mr. Alexander swore in Mr. Mianeki. Please state your name and address for the record.

Mr. Mianeki testified Joseph S. Mianeki, Jr., 9 Midvale Avenue, Towaco, NJ.

Mr. Schepis stated we can go through Tom's memo, but I'll leave it up to the discretion of the Board.

Chairman Byrne stated I'd like to hear Tom's memo.

Mr. Boorady stated sure. May 4<sup>th</sup> is the date of my memo issued to the Board and the completeness starts on page 3. Page 2 outlines a brief project summary as I see it currently,

and I'm sure everybody has had a chance to read that so I'm not going to bore you with that.

Page 3 is the general checklist for information and Items #8 and 9 aren't really completeness waivers, they will comply with those items I believe.

Item #10, normally for a new connection you would see some sort of application to TBSA. The property is a three-family home and there are two sewer laterals, normally you would have one sewer lateral to a building even though there are multiple units in it. I put this in here but I'm actually not sure it is required and needs TBSA approval.

Mr. Mianecky testified I put a call into Bill Murphy but I don't think he is there anymore.

Ms. Ward mentioned he's retired and Tom Bongiovanni is the new engineer.

Mr. Mianecky testified I kind of got that impression. I had a very good rapport with him in the past so I'll have to follow up with the new engineer.

Ms. Ward mentioned I have his extension.

Mr. Mianecky testified oh that will be great. I'll get whatever correspondence we need from TBSA, if any.

Mr. Boorady stated I'm guessing they are not going to want to do anything.

Mr. Mianecky testified probably not.

Mr. Boorady stated probably not, but I just figured it was something to put on the record. Normally we would only have one per penetration to the sewer main and there are two, but they probably want to leave well enough alone.

Mr. Mianecky testified there is only one lateral that serves the property. It is just that two lines exit the building and combine into one lateral.

Mr. Boorady stated oh I didn't see where they combine so there is only one penetration serving it then.

Mr. Mianecky testified yes.

Mr. Boorady stated if you want to contact them, do so. I misread the plan I thought there were two laterals going in.

Mr. Mianecky testified maybe it's obliterated because of all the line work on there. It is two lines that come out of the dwelling that combine into the one that goes out to School Street.

Mr. Boorady stated so 10A is really not applicable let say.

Mr. Mianecky asked you are okay with that.

Mr. Boorady stated I'm okay with that.

Mr. Schepis stated we will write an N/A. We'll address the other two items on the general checklist.

Mr. Boorady mentioned and then the variance application checklist Item 1.B., the prevailing front yard setback on adjoining lots shall be shown on the area map. I'm not so sure those were shown or not, but I don't know if they need to be shown.

Mr. Mianecky testified they are not shown because I didn't have them surveyed so we would like to ask for a waiver on those.

Mr. Boorady stated I don't have any engineering objection to a waiver, it is up to the Board as to whether or not they want to see the setbacks on the neighboring properties or not.

Mr. Mianecki testified the setback that we are requesting the variance for faces School Street, so on the other side is Chapel Hill Road which we wouldn't be affecting that anyhow.

Mr. Boorady testified right you are not working on the Chapel Hill side.

Mr. Mianecki testified no on the School Street side.

Mr. Schepis stated okay so we would ask for a waiver for that.

Mr. Mianecki testified 1.D. we will provide an updated survey that shows the telephone and electric.

Item 4 we will provide that.

Mr. Schepis stated my client received a proposal from a licensed professional planner and he is engaging his services so we will get a planning report.

Mr. Boorady testified okay.

Chairman Byrne stated so far you are asking for 1.B.

Mr. Schepis stated so far.

Mr. Mianecki testified 2H under the checklist for a minor site plan, same thing we will provide that.

Item 2Q we will be asking for a completeness waiver for a letter of interpretation (LOI) verifying wetlands as the site for the most part is completely disturbed; lawn, building or pavement.

Mr. Boorady stated I have no objection to that.

Mr. Mianecki testified 2U we would like to ask for a waiver for existing lighting and landscaping. We can provide photographs of existing landscaping and light fixtures on the building.

Item 2Z, we would like to ask for a completeness waiver on proposed lighting and landscaping. Is everybody okay with that?

Mr. Boorady mentioned it is really up to the Board.

Mr. Foreman asked why do you want that.

Mr. Mianecki testified well it is in an area that is well lit to begin with so it would not be an issue with this. There is existing mature landscaping in and around the building.

Mr. Foreman asked is this the building across the street adjacent to the school property.

Mr. Mianecki testified yes.

Mr. Foreman asked right on the corner on School Street that little street that runs perpendicular to Chapel Hill.

Mr. Mianecki testified correct.

Ms. Ward stated that was a school at one time.

Ms. Mianecki asked did Joan go there.

Ms. Ward stated no I went to Chapel Hill.

Mr. Mianecki testified the photographs that I submitted as part of the application show all of the landscaping, and in all honesty we wouldn't be modifying I don't think any landscaping.

Mr. Foreman mentioned I missed the last meeting so I don't have them.

Mr. Mianecky testified I don't know if they were distributed to the Board members yet.

Ms. Ward mentioned no they weren't it wasn't on last month.

Mr. Mianecky testified during the course of the public hearing, just because we're asking for completeness waivers that doesn't mean you can't ask for that information at the public hearing.

Mr. Foreman stated that's why I asked why you wanted it, I'm trying to understand you know.

Mr. Mianecky testified okay. Item 2W and 2X existing solid waste facility, we will show them. I spoke with Mr. Battaglia before the hearing and each unit (the 3 units) has their own area where they put their garbage cans and I'll show those areas. Once or twice a week, whenever the pick-up is, they put them out to the curb, so I'll show those three areas so we will not need a waiver. I will show Items 2W, 2X, 2Y and 2Z and we will provide that so we will not be asking for completeness waivers for those items.

Mr. Boorady stated okay.

Mr. Mianecky testified Item 2AA I will provide that so I'll add those dimensions to the plan. We weren't showing striping, do you want striping shown on there? We are not trying to make it look commercial we want to keep the residential character of the neighborhood. We show like the depths of the parking areas and the lengths of it.

Mr. Boorady stated show some kind of dimensions or dashed lines instead of a solid line so that it is not striped but it meets the dimension of the RSIS parking space.

Mr. Mianecky testified okay.

Mr. Boorady mentioned I don't know about the gravel shoulder the status of that?

Mr. Zapf stated that's along School Street, there is an area where the grass is much farther in from the road than the others.

Mr. Mianecky testified yes I see it.

Mr. Boorady mentioned you may want to talk to your client about whether that is parking for the tenants or what is the status of that?

Mr. Mianecky testified okay we'll have the answer for the hearing, or do you need to know that now?

Mr. Boorady stated I don't need it now.

Mr. Mianecky testified I don't think we are looking to park there.

Mr. Boorady stated I just want to be clear of what my comments were about the driveway, sidewalks, parking areas and that gravel area seems to be part of the site. I don't know if it is in the right-of-way so just be clear about where you are parking if you can.

Mr. Mianecky testified okay.

Chairman Byrne asked how close is the right-of-way to the left side of the house if you are facing it.

Mr. Mianecky testified the right-of-way to the left to the existing house is twelve feet and to the proposed addition ten feet.

Chairman Byrne stated okay.

Mr. Mianecky testified Item 2EE(iv) through 2EE (vi) the surveyor will supply the updated survey.

We will not be asking for that.

Mr. Schepis asked that's just on-site correct those utilities.

Mr. Boorady stated yes.

Mr. Schepis stated so we will show on-site only. We're asking for a waiver for off-site utilities if needed.

Mr. Boorady stated I don't believe for a minor site plan you need to show it so I didn't call that out.

Mr. Mianecki testified I don't have it.

Ms. Ward mentioned the checklist was attached to the report.

Mr. Mianecki testified we have it.

Mr. Boorady stated it doesn't say within 200 feet on a minor site plan.

Mr. Mianecki testified yeah that's why they let you get off on a minor site plan I think.

Mr. Boorady stated it has to be preliminary and final major I think.

Mr. Schepis stated okay. I don't think it says it.

Mr. Boorady mentioned you don't need it within 200 feet for a minor so you are good. Can I just ask a question about utilities?

Mr. Mianecki testified sure.

Mr. Boorady mentioned my initial drive through showed 4 gas meters and 4 electric meters so be prepared with that.

Mr. Mianecki testified yes. There is a separate service from what I understand for the laundry room so I guess it is a common laundry room. I have to discuss that with the applicant and each unit has its own separate gas and electric meter. I will show that information where each meter is on the plan.

Mr. Boorady asked so there is not 4 units just 3 units.

Mr. Mianecki testified 3 units yes. When I was there he had 4, but the laundry room has its own dedicated service. I guess that's because everybody in the building uses the laundry room, so that was 2FF(i) through 2FF(vi) so I will show that.

Item 2GG I'll do a stormwater analysis if need be, although we really don't want to have to add a seepage pit. We will add a pit, obviously we are increasing the impervious coverage and we are going to have to mitigate it so we will show some kind of a --

Mr. Boorady stated you are already over the impervious coverage right and you are expanding that.

Mr. Mianecki testified yeah. It is a 460 square foot addition, somewhere between a third and quarter of it is already within an existing footprint of a covered porch. Although on paper we are showing 460 square foot addition, only maybe 380 square feet is effectively outside of the existing building envelope but we are still adding a driveway also.

Mr. Zapf stated you are still adding a paved driveway.

Mr. Mianecki testified yes and we are asking for an impervious coverage variance so I would be hard pressed not to show it.

Mr. Zapf stated the schoolyard is still downhill from there so it might help you to have that.

Mr. Miannecki testified okay, comment well taken.

Item 2HH construction details for the sidewalks, lighting, solid waste, we will provide whatever construction detail is necessary. With regard to solid waste, we weren't going to propose any kind of fencing around it they just basically go up against the building, is that okay?

Mr. Boorady stated when I was out there, it seemed like the concrete pad by the gravel shoulder there were a lot of waste receptacles and I don't know whether that is typically where they are kept or not.

Mr. Miannecki testified I spoke to the applicant and basically all receptacles are supposed to be up against the house.

Mr. Boorady stated today they weren't.

Mr. Miannecki testified I don't know what day garbage day is.

Chairman Byrne stated today was recycling day.

Mr. Boorady stated okay.

Mr. Miannecki testified so maybe that's why they were out there.

Mr. Boorady stated I don't drive by there every day so I don't know.

Mr. Miannecki testified we don't want to leave the receptacles out there all week obviously.

Mr. Boorady stated maybe not but I just happened to be there today.

Mr. Miannecki testified I get it.

Item 4 samples of exterior finishes. We would ask for a completeness waiver on exterior finishes.

Mr. Boorady stated I think the architect's plan showed notes on what the materials are.

Mr. Miannecki testified on what the materials are yes.

Mr. Schepis stated so Item 4 is a waiver request.

Mr. Miannecki testified and that's it.

Chairman Byrne asked you will comply with 2HH.

Mr. Alexander stated so the record is clear, why don't we list which items you are requesting waivers for.

Mr. Zapf stated I have 1B, 2Q, 2U, 2V and 4.

Mr. Miannecki testified that's what I have.

Mr. Schepis stated my notes confirm that suspicion. So we'll package that all up and ask you to kindly grant those completeness waivers and then we will address the other items which we have discussed, resubmit plans and hopefully the word complete will come out of the machine and we can come before you.

Mr. Zapf made the motion to grant the five waivers as mentioned.

Mr. Wolfson seconds.

**Roll call:**

**Yes:** Zapf, Wolfson, Bracchitta, Byrne, Erickson, Foreman and Kubisky

**No:** None

**Abstain:** None

Ms. Ward mentioned granted and that's seven.

Mr. Schepis thanked the Board.

Mr. Miannecki thanked the Board too.

Ms. Ward stated we'll mark the checklists and send out the correspondence.

Chairman Byrne mentioned the next order of business is waiver request by Steven C. Schepis with reference to Variance Application #2018-03 by Norka B. Torres (bulk), on property known as Block 40, Lot 81 on the municipal tax map also known as 5 Hunter Road.

Mr. Schepis thanked everyone for the review and expediting this application on the agenda. The house that is the subject of this application is having structural problems because of erosion of the basement so we are trying to address their structural problem quicker.

We have the memo Tom has put together and we have some comments here. In reviewing it there seems to be a question as to whether the survey that was submitted which was prepared in 2004 accurately reflects the current conditions.

In speaking with the Torres, they are in agreement that they would have the surveyor come out and update the survey; and if there are any changes that are necessary, we would identify those changes on the plan. We'll provide you with an updated survey.

Perhaps we can go through Tom's memo, but I just wanted to bring that to your attention because I think that is going to resolve a number of the items that we have. We have his memo of May 7<sup>th</sup> and likewise the marked up version of the checklists so maybe we can ask Tom to go through his checklist and we can address the completeness items.

Mr. Alexander asked Steve's clients to state their names and address for the record.

Mr. Torres testified Victor Torres and my address is 5 Hunter Road, Lincoln Park.

Mrs. Torres testified Norka Torres, 5 Hunter Road, Lincoln Park, NJ.

Mr. Alexander swore Mr. & Mrs. Torres in.

Mr. Schepis stated there are two checklists, the general checklist and the variance checklist. What they are proposing to do is simply elevate the house as it exists today. It is like a one and a half-story house with a basement that is partially underground. Because of surface water running downhill it has eroded the foundation, and there is really no fix other than to elevate the house so that it basically has no basement but a slab at grade, so that is what they intend on doing.

Now unfortunately as the house exists today it doesn't comply with the front yard setback requirements of the ordinance, they are intending on simply going straight up. The house will be a two and a half story house which complies with the zoning ordinance for maximum height, so we are not looking for a height variance, however because of its non-complying location just going straight up does necessitate a variance under your ordinance. They are also proposing a deck off the side of the back of the house which I believe complies with the setbacks; and they are proposing that it would have a roof over it, so that is the nature of the application so it is one variance for front yard setback.

Chairman Byrne asked Steve you are going through the memo right.

Mr. Schepis stated well I have the marked up checklists shall we do that, or should we go

through the memo, whichever you think is better.

Chairman Byrne stated well I think the email is fine. I just want to make sure I'm going through it in order. You said Item 1 we are good with.

Mr. Schepis stated yes we are going to update the survey and we will have somebody out there hopefully within the week in order to verify what's there is correct, or in the alternative show it is correct.

Chairman Byrne mentioned okay.

Mr. Boorady stated just a couple of things. The driveway is now paved and the prior survey said it was gravel and there has been a pool installed since. Those are the two obvious changes but if there is anything else, just make sure the surveyor picks it up okay.

Mr. Torres testified okay.

Chairman Byrne asked Tom to go over it with the Board.

Mr. Boorady stated Item #1 I believe they are going to comply with that was from the general checklist.

Item #9 there is no waiver request on that it will be complied with. That is just providing the number of copies of plans for all the Board members.

Mr. Schepis stated we will do that.

Mr. Boorady mentioned Item #12 there is a waiver request from steep slopes. There do appear to be some steep slopes out the back. I don't have an objection to the waiver as long as there is no grading proposed. I know there is a deck addition out the back which I guess would be constructed on columns and require minimal disturbance of grading, but I read that you had a water problem. So if you are elevating the house, building a new foundation and you are also going to do some regrading, maybe to get some of the water away from the house, then why don't you tell me what you think you are doing so that we can consider that slope waiver request.

Mr. Torres testified the plan is to completely lift it. What they are going to do is run the water away from the house.

Mr. Foreman asked are they going to put French drains around the foundation somehow to capture the water so it runs away from the foundation.

Mr. Torres testified yeah I think so.

Mr. Foreman mentioned the foundation now is going to be all above the land now right?

Mr. Torres testified right.

Mr. Foreman stated it is almost like elevating the basement as well.

Mr. Torres testified yes exactly. It is cheaper that way because if we start breaking the rock, we have natural stone in our basement and if we start breaking that rock it is going to be too costly. It is just easier and cheaper to just raise it.

Mr. Foreman asked do you think they are actually changing the slope of the land around it, or are they just going to put the drainage around the exterior of the house that faces the slope.

Mr. Torres testified they are going to do the drainage around the house.

Mr. Zapf asked where is it going to wind up.

Mr. Torres testified it is going to wind up on the road. It is going to flow out of the house right onto the road.

Mr. Foreman asked as opposed to before it was just going up against the foundation and just dispersing wherever it went.

Mr. Torres testified the water now goes through my basement.

Mr. Foreman mentioned but it actually penetrates the exterior wall okay.

Mr. Torres testified I have a river that goes right through my basement and it wasn't bad before when we bought it. I have a wall now in my dining room buckling so something has to get done.

Mr. Foreman stated I understand.

Mr. Zapf asked is there a drain or something in front of your house that is going to capture this water.

Chairman Byrne asked like a stormwater drain.

Mr. Torres testified there is nothing now.

Mr. Foreman asked when it gets to the street, doesn't it travel in some direction on the street to a stormwater system drain.

Mr. Torres testified yes there is a drain, there are a couple of drains.

Mr. Foreman stated so the plan was to go out to like the curb line and follow like the natural slope of the road to whatever drain.

Mr. Torres testified right because my property is on the hill.

Mr. Zapf stated if you have water now coming out onto the road and it is crossing over in cold temperatures, you are going to create an ice condition in which case Tom is going to ask for some way for that to be remediated so it goes into something else and not onto the street, but if it just goes to the storm drain along the curbing that is much less of a concern.

Mr. Torres testified yup.

Mr. Boorady stated when your surveyor is out there, if there are storm inlets on Hunter have the surveyor pick up the storm drains. The best way would be if they took a French drain around the house and tied it right to the back of the basin instead of to the curb line because it would be a big problem solved. I would prefer to see it tied into somewhere below grade.

Mr. Torres testified okay.

Mr. Schepis stated we'll have the surveyor locate the closest storm drain and see how we get there and if we can tie it in, we'll tie it in.

Mr. Boorady thanked him.

Mr. Schepis stated but it would seem based on these improvements that they don't need a grading permit because the reason that they are not moving the house is because of the fact that it is ledge rock.

Mr. Foreman mentioned it doesn't sound like there is grading being done.

Mr. Schepis stated from a planning standpoint it would be easier to move the house but from a construction standpoint it would be very difficult because it is rock.

Mr. Foreman stated understood.

Mr. Boorady mentioned with these swales if there is no grading involved, I wouldn't have any objection to showing the steep slopes because they wouldn't be disturbed. That is the checklist for general information, so just Item 12 would be a waiver. That would be the only waiver on that

checklist right?

Mr. Schepis stated that's right.

Mr. Boorady mentioned the checklist for variances, Item 1B, prevailing front yard setback not shown on the aerial.

Mr. Schepis stated what we can do if this is acceptable to the Board, we did submit an aerial photograph to the Board with the application that was provided by the Morris County Planning Board and it doesn't show setbacks but it gives you the flavor for what is out there. We could ask the surveyor to locate the frontage between the dwellings on either side of us which are on Hunter Road on our side of the street, as to their relationship to the public road pavement. It is going to be difficult for a surveyor to locate them on a front yard setback but we can probably easily locate them from the edge of the pavement. So if we can do that and give you the two on either side of us and give you the distance from the pavement, then you can compare it to what our distance is from the pavement, we'll give you that number as well. So visually you can determine whether it complies or whether it is way off, or whether it is something you can live with. How does that sound?

Mr. Boorady mentioned I don't have an engineering objection to that.

Chairman Byrne asked is that still a waiver though.

Mr. Schepis stated that would be a partial waiver.

Mr. Boorady mentioned right.

Mr. Schepis stated we are going to show the setbacks from the pavement of houses on either side of us on Hunter Road. There is one above us and one below it.

Chairman Byrne mentioned and that's on the aerial right?

Mr. Schepis stated they show it on the aerial, it is shown as Lots 81.2 and Lot #10.

Chairman Byrne mentioned okay. 1B.

Mr. Boorady stated they are going to comply with.

Mr. Schepis mentioned we are going to comply with and we'll update the survey. Just so the clients understand because look this is something that I'm sure they don't go through, so in order for the Board to make an accurate decision they have to have accurate information. It was disclosed through Mr. Boorady's review that some of the information on your survey isn't current so we have to update it.

Mr. Torres testified that's fine.

Mr. Schepis stated believe me if I thought we could use the old survey from 12 years ago that may not be accurate and I thought they would go along with it, believe me I tried it it's not going to happen. It just has to be right.

Mr. Torres testified okay.

Mr. Boorady stated 1E is just really a comment, either you have the architectural plans and they are fine. But the architect also prepared a variance map so he is going to have to take that new survey and just recreate it, so there is a little bit of drafting work for the architect to take care of and he'll have to correct any data that is updated. For example, lot area may not be exactly 15,000 square feet it might be 15,001 square feet or whatever.

Mr. Torres testified right.

Mr. Boorady stated he'll have to update his own map and the zoning table accordingly when the surveyor is done with your new survey.

Mr. Schepis stated we'll do.

Mr. Boorady mentioned Item 2 won't apply because they will have a new survey so they will not need an affidavit to swear to its accuracy, they will have the surveyor sign and seal it to its accuracy. Item 2 will become an N/A.

Chairman Byrne stated so that leaves two items out of this that are open.

Mr. Zapf stated 12 and 1B.

Chairman Byrne mentioned right.

Mr. Boorady stated 1B is really a partial waiver and Item 12 is a full waiver.

Mr. Schepis mentioned I have one inquiry as it relates to 1D with regard to the new survey or updated survey, it notes that we should indicate our building and improvements thereon; front, site and rear dimension, etc., etc. I note that it doesn't specifically say utilities so we are not going to have utilities picked up because there are not going to be any changes to the utilities so I assume that's okay?

Mr. Boorady stated it is not a requirement on the checklist.

Chairman Byrne mentioned I don't have a problem with it.

Mr. Schepis stated all right then it seems like the waivers that we have discussed that's all we need. So a lot of it will be addressed by updating the survey but we do ask for the partial waivers and the full waivers that we note. That would be #12 the slope map on the general checklist and 1B a partial and that's it.

Chairman Byrne asked does anyone have any questions.

Mr. Zapf made the motion to grant the waivers as stated.

Mr. Bracchitta seconds.

**Roll call:**

**Yes: Zapf, Bracchitta, Byrne, Erickson, Foreman, Kubisky and Wolfson**

**No: None**

**Abstain: None**

Ms. Ward stated okay.

Mr. Schepis thanked everyone and Tom for his quick review. The Torres really appreciate it and they want to try to hopefully get this project started and finished before school time so we are hurrying.

Chairman Byrne asked how long have you owned the house.

Mrs. Torres testified 12 years.

Chairman Byrne asked and it is really bad this year the water.

Mr. Torres testified yes.

Chairman Byrne stated well we had winter every day in March.

Mr. Schepis mentioned okay everybody hopefully we'll see you in June.

Chairman Byrne asked any other business.

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Ms. Ward asked did anyone else take the DEP course on stormwater. If you did, please email me and let me know the date so I can keep track.

Mr. Boorady stated I went to the two day course which is mandatory for engineers. I took it last week.

Mr. Zapf made the motion to adjourn.

Mr. Wolfson seconds.

Meeting adjourned 7:59 P.M.

Respectfully submitted:

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Joan Ward, Secretary

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Patrick Byrne, Chairman