

MINUTES

FEBRUARY 7, 2012

BOARD OF ADJUSTMENT

LONG HILL TOWNSHIP

CALL TO ORDER AND STATEMENT OF COMPLIANCE

The Vice-Chairman, Mrs. Raimer, called the meeting to order at 8:02 P.M.

She then read the following statement:

Adequate notice of this meeting has been provided by posting a copy of the public meeting dates on the municipal bulletin board, by sending a copy to the Courier News and Echoes Sentinel and by filing a copy with the Municipal Clerk, all in January, 2012.

PLEDGE OF ALLEGIANCE

ROLL CALL

On a call of the roll the following were present:

E. Thomas Behr, Chairman (arrived at 8:04 PM)
Sandi Raimer, Vice Chairman
Christopher Collins, Member
John Fagnoli, Member
Edwin F. Gerecht, Jr., Member
Maureen Malloy, Member

Michael Pesce, 1st Alternate
Richard Keegan, 2nd Alternate

Barry Hoffman, Bd. Attorney
Thomas Lemanowicz, Bd. Engineer
Kevin O'Brien, Twp. Planner
Dawn Wolfe, Planning & Zoning Administrator

Excused: Felix Ruiz, Member

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EXECUTIVE SESSION

It was determined that there was no need to hold an executive session.

APPROVAL OF MINUTES

The minutes of November 15, 2011 were approved as written on motion by Mr. Gerecht and seconded by Mr. Pesce. Mr. Collins abstained as he was not present at that meeting. Mr. Keegan abstained as he was not a member of the Board at that time.

(Dr. Behr arrived at 8:04 P.M.).

PUBLIC HEARING

MARTIN SKRIVANICH

103 Lackawanna Blvd.
Block 11106, Lot 2

#11-06Z

Bulk Variances

Present: Martin Skrivanich, applicant
Suzanne Skrivanich, wife of the applicant
Erica Bush, licensed professional engineer
Douglas Asral, licensed professional architect

Sharon Palmer, certified shorthand reporter

Proof of service was submitted.

Mr. O'Brien and Mr. Lemanowicz were sworn.

Mr. Martin Skrivanich, applicant, and Mrs. Suzanne Skrivanich, wife of the applicant, were sworn. Mr. Skrivanich introduced himself and his wife Suzanne and said that they are the property owners of 103 Lackawanna Blvd., Gillette, NJ. Mr. Skrivanich said they were present to request an approval for a two story addition to their existing one story house for the reason that the house was built in the 1920's and the interior living space contains about 1,000 S.F. He said that they have lived in the house for approximately 3 ½ years, love the area, and are looking to start a family and plan to stay in their home for an extended period of time. The proposed addition would add two extra bedrooms and a two-car garage to their dwelling. He said that he is requesting variances for the two pre-existing nonconformities of insufficient lot area and insufficient front yard setback. There is also a third pre-existing nonconformity for insufficient floor area (the minimum being 1,200 S.F.) which will be eliminated should the application be approved.

He said that his engineer, Ms. Erica Bush, who will address the issues of the site development and his architect, Mr. Douglas Asral, who will address the issues pertaining to the house addition were present.

Mr. Douglas Asral, licensed professional architect, was sworn. He reviewed his educational and professional background and was accepted as an expert.

Mr. Asral said that when he was approached by the Skrivanich's concerning their addition, he looked at the condition of the existing home and considered how he would accommodate their program needs for the additional attached garage they would like to construct onto their dwelling, as opposed to the existing detached garage on the property which is undersized and far in the rear of the house. He said that they are looking to have a family and would like to have a functioning viable master bedroom suite. They did not want to have the proposed construction be too much of a violation against the front yard setback and so the addition was placed in such a way as to minimize the intrusion into the front yard setback. He said that it eliminated going directly on top of the existing footprint because it would cause too much disruption on the first floor, therefore they decided to take advantage of the proposed attached garage addition and go directly on top of the proposed foundation to be constructed.

The existing house is 22 ½' from the front boundary line (which is about 37' from the curb). He said that a two story construction there would be a little too close to the street, therefore they are looking to construct the proposed addition further back (at about 45' from the front boundary line), which is about a 5' encroachment into the 50' front yard setback. He said that the bulk of the encroachment is from the front porch extension. They are proposing to have the porch wrap around (a continuation of the existing porch) primarily to tie in a side entrance to a mud room and continue towards the back. The porch will be open and will never be living space for the interior. The proposed porch extension will maintain the character of the existing porch.

In response to Dr. Behr, Mr. Asral said that the proposed porch will not be glassed in.

Referring to Sheet Z-1, Mr. Asral said that the existing first floor layout will remain as it is to minimize impact. The bulk of the addition of the first floor will be a garage and an office/guest room towards the rear. As part of the addition for the second floor, there will be a stair access to the second floor.

Regarding the encroachment into the front yard, Mr. Asral said that the existing front porch is about 37'4" from the curb. He said that he measured 10 neighboring residences on Lackawanna Blvd. and 5 of them had front yard setbacks which are less than the Skrivanich's have from porch to curb. He referred to a revised set of plans he brought to the meeting with a table indicating the dimensions and residences which he had referred to.

In response to Dr. Behr, Mr. Hoffman said that he would like to hear more in the way of a foundation as to exactly how Mr. Asral ascertained what the setbacks are in the neighborhood. He felt that it was more of a planning/surveying type of issue than what we usually hear from an architect. He said that he *may* be eligible to comment on it, but said he would like to hear a little more first.

Mr. Asral said that it was an approximation based on just simply taking out a 100' tape and measuring from foundation to curb. He said that he did not assume to measure to a front property boundary line since he is not a surveyor. He said that in 5 other instances the distance was less than what the Skrivanich's are proposing.

In response to Dr. Behr, Mr. Asral agreed that his measurement was consistent with both the subject property and all of the other properties that he was offering. He added that it was not "out of the norm" for that street.

In response to Mr. Gerecht, Mr. Asral said that he had measured back to the porch landings and not the steps.

Mr. Hoffman felt that Mr. Asral could proceed and the Board could evaluate the specifics. He felt that he has covered a basic explanation about how he went ascertaining his information rather than just presenting hard numbers without the basis.

Speaking about the bulk of the proposed addition (the two story portion), he said that it is proposed to be set back 45' from the front boundary line of the property which actually sets it back 60' from the curb. He said that there is no residence on that street that is set back 60'. Although it is encroaching into the front yard setback by 5', he said that it is still further behind any other residence on the street.

Mr. Asral said that he would like to address the comments contained in Mr. Lemanowicz's report dated 2/27/12 from the perspective of an architect. The lighting that is proposed to be put on the house is code required by any door or entrance. It will be on motion sensor at the garage and side entrances. He said that they are not looking to exacerbate a light pollution condition of any kind. In terms of the house condition and finish, he said that the applicant is proposing to re-side the entire house with a fiber-cement composite and that the colors are typically some sort of standard palate of muted autumnal tones such as sage or a cream color. He said that it will not be to anybody's whim and will be a standard color by James Hardie or Certainteed. He said that the air conditioning units are proposed to be placed in the rear out of view from neighbors and to minimize noise and visual impact to any adjoining side neighbor.

Referring to Mr. O'Brien's report dated 2/28/12 (Item K), he said that there was a question about the right side elevation and the applicant is proposing to embellish that with some additional fenestration – some windows on the second floor and a side entrance, which he wished to submit as an exhibit. Architectural plans which he had prepared dated 7/6/11, last rev. 2/7/12, consisting of Sheets Z-1 through Z-4 were marked into evidence as **EXHIBIT A-1**.

Mr. Hoffman asked Mr. Asral to describe the differences between **EXHIBIT A-1** and the drawings he had submitted earlier.

In response to Dr. Behr, Mr. Asral said that he did not bring additional copies of the plans.

Mr. Hoffman said that what we have here in effect, procedurally, is a revision set of plans but not an adequate number of copies to review.

Mr. Asral said that the latest plans only have a few minor variations from the previous plans. He said that on Sheet Z-1 it indicates the location of the proposed air conditioning units. They will be located in the middle of the property in the rear yard, obscured by the addition itself to the neighbors to the sides. He said that a table referencing 10 addresses, 5 of which have front yards which have encroachments greater than the Skrivanich's is also shown on Sheet Z-1.

In response to Mr. O'Brien, Mr. Asral confirmed that he had no other copies of **EXHIBIT A-1** to distribute.

Mr. O'Brien remarked that this is "a first".

Dr. Behr said that the Board is willing to work with the applicant as well it can but for the members to be looking at evidence like this for the first time without a chance for its consultants or the Board to review it is highly untypical.

Mr. Hoffman agreed that it was awkward at best. For one thing, if the Board were to act on the application tonight without a set of plans for him, he could not prepare the Resolution.

Dr. Behr said that we will have these plans, however it is up to the Board whether the testimony presented on this additional exhibit is sufficient for it to make a decision. He said that he would not judge that right now nor would he attempt to make a decision for the consultants and asked Mr. Asral to continue.

Mr. Asral said that the revisions were spurred on by the statements in Mr. O'Brien's letter and the applicant wanted to be as cooperative, thoughtful, and responsive as he could to the comments in the report.

Mr. O'Brien replied that it is one thing for you to describe the changes but, even if at least the Board members had a set of these latest plans in front of them, they could follow you. He said that not even having the Board see what you are talking about does you a disservice, unfortunately.

Dr. Behr asked Mr. Asral to continue but to understand some of the limitations we have.

Mr. Asral said that there are not that many changes and that they are not really changes.

Mr. Collins asked Mr. Asral if it was possible to highlight specifically those changes that are different from the plans that the Board members have.

Mr. Asral replied that it is about air conditioners in the rear and the table on the right. He also referred to Sheet Z-4 and said that additional windows and a door have been added. No changes were made to Sheets Z-2 or Z-3.

In response to Mr. Gerecht, Mr. Asral described the locations of the newly added windows as being on the south elevation (or right side yard). A garage side door was added, as well as 3 windows on the first floor and 3 windows on the second floor. He said that 1 window will be in the bathroom in the second floor (master bedroom suite) and the other 2 windows are above the vanity mirror in the master bathroom. On the first floor, 1 window was added in the garage and 2 windows in the office/guest room.

Referring to Sheet Z-1, Mr. Gerecht said that you can see the garage wall and then you go into the office/guest room. He said that something looked strange and asked if the 2 windows will be in the closet.

Mr. Asral replied that the closet is to be removed.

Mr. Gerecht asked if there will be any closets in the office/guest room.

Mr. Asral replied that, at this moment, we are not indicating any closets and admitted that that was another change.

In response to Mr. Pesce, Mr. Asral said that there has been no change made to the left elevation and the only elevation to receive a change was the right elevation, or the southeast elevation with the windows.

Mr. O'Brien noted that air conditioning units were added to the rear of the entryway which is to the left of the office/guest room. He asked Mr. Asral if he had added the square footage of those air conditioning units to the lot coverage.

Mr. Asral replied, "Yes", and said that he took the balance of the air conditioning pads and the deck will be subtracted accordingly in square footage.

Dr. Behr requested more detail.

Mr. Asral replied that there are two air conditioning pads totaling about 18 square feet (3' x 3' each). He said that he will take 1' off of the deck so that instead of 14' x 28', it will measure 13' x 28' (so 28 S.F. will be removed).

In response to Mr. Pesce, Mr. Asral said that the entire proposed first floor footprint will be about 1,000 S.F. To accommodate the Skrivanich's program for the second floor, it would all have to go directly above the existing footprint and they are already just 22' behind and they have a 50' setback to respect. He said that it would be just too much of a mass very far forward to construct it in line with the existing dwelling.

Mrs. Raimer asked Mr. Asral to describe the style of the house if the proposed addition were to be approved with the designs he has created. She also asked how it will compare to other houses in the neighborhood.

Mr. Asral described the architecture as an eclectic mix of styles on the street ranging from Colonials, ranches, and some bungalow styles. He said that this one would have more of a Colonial look, especially with the proposed repairs with regard to the siding and trim.

Mrs. Raimer asked how the subject dwelling with its proposed addition would compare to the homes surrounding it as far as its size.

Mr. Asral said that it would appear smaller in size than the larger homes that are closer to the train station, but a little larger than some of the capes and ranches that are on the street. He felt that it will be in keeping with the style, size and location in being consistent with what exists on the street.

Mr. O'Brien said that, rather than building up and having to build within the existing 50' front yard setback, instead the proposal is to build out to the side getting up to that 20% lot coverage, when one could make a pretty good argument when one takes a look at the photograph on Pg. 1, No. 2 at the bottom of the page and you can see how the other houses line up on Lackawanna Blvd. on the same side of the street as the subject property. He said that you can see that the mass and size of those homes are up against the street and in looking at Photograph No. 6 at the bottom of Pg. 3, you can actually see how this property and this house and the other houses do line up, and the houses to the south are all 2 floors. He questioned if it is better to have less lot coverage so that you are not bumping up against that 20%, which is of great concern to the Board, as opposed to taking the existing front yard setback and matching what exists in the neighborhood and go up and perhaps out to the sides.

Mr. Asral replied that the property is undersized. He said that it is not 20% of the minimum required, so it is 20% of a smaller property to begin with. He said that if this was a standard size property, they would have another 1,800 S.F. allowed. He agreed that they are going to approach 20% coverage, but it is on an undersized lot. He also noted that they are *reducing* some coverage since there is an existing detached garage that goes far to the rear. He said that that driveway will be removed and more green space will be provided on one side of the property, so there will be more uninterrupted green on the side yard to the left and they are consolidating the mass of the building in one location. He said that they will have a garage in any case on the side with a driveway for two cars. He said that they are trying to maintain the character of the house that is already there. It is a one story ranch and that is predominantly how it will be seen.

Mr. O'Brien said that one could make an argument from a planning perspective that matching the other homes in the neighborhood would be architecturally and planning significant.

Mr. Asral replied that there is no two-story home that is that close to the street.

Mr. O'Brien replied that they all are.

Mr. Asral replied that there are capes and 5 other homes that are not. He said that they are not all that close to the street and that they are trying to respect the 50' setback.

Mr. Skrivinach said that he is in the construction field and he knew that the existing foundation is from the 1920's and, because of the expense it would take to support the weight of an addition on top, he felt that it would be better to go out and up since they have the space to do it. He said that that they also wanted an attached two-car garage.

Mr. O'Brien asked for confirmation that both the applicant and the architect do realize that at 20% lot coverage, the applicant can't add *anything* else to the property such as a pool or patio.

Mr. Skrivanich confirmed that with the proposed lot coverage, he *did* understand that they cannot add anything to it.

In response to Mr. O'Brien, Mr. Asral confirmed that *all* of the dwelling (the existing and proposed portions) will be re-sided with a composite material of fiber and cement.

With regard to the lights which are proposed over the various doorways, Mr. O'Brien said that the Board typically looks for something that produces zero glare and as little light source viewing as possible, such as an obscured globe.

Mr. Asral confirmed that the applicant would be able to handle that request.

Mr. Lemanowicz requested Mr. Asral to include the dimension from the finished floor to the highest ridge on revised plans.

Mr. Asral replied that, although there is not a dimension on the elevations, it is on the Zoning Table on Sheet Z-1 where it indicates a building height of 2 stories/33'10".

Mr. Lemanowicz said that his issue is that different people like to measure that from different places.

Mr. Asral replied that he would testify that it is the maximum height from the lowest grade to the ridge.

Mr. Lemanowicz requested that the dimension from the finished floor to the highest ridge be shown on the plans since they are going to be revised anyway.

Dr. Behr asked Mr. Lemanowicz if he was satisfied with Mr. Asral's testimony about the height.

Mr. Lemanowicz replied that he would accept it, but once we get the revised plans he will verify it at that time.

Mr. Gerecht said that Mr. Lemanowicz is using the term "finished floor" and Mr. Asral is using the term "lot grade". He asked which is to be used.

Mr. Lemanowicz replied that, typically, we get dimensions from the finished floor to the ridge line because that is the architect's issue. He said that, then the engineer's plan will have the elevation of the first floor and have all of the elevations around the outside of the building because that is the engineer's issue.

Mr. O'Brien noted that the requirement in the Ordinance is from the lowest point to the highest point.

Dr. Behr said that Mr. Asral had testified that, from lowest to highest, the proposal is conforming.

Mr. Asral agreed.

Mr. Hoffman said that there was testimony early on that a motivating factor/basis for this entire application is to have a more livable floor area and usable space for a growing family. If he understood correctly and the applicant was at a maximum of 20% of lot coverage (or something very close to that percentage number), there could not be any kind of paved or impervious children's play area added to the site because that would put the lot coverage over the allowable maximum, short of obtaining a variance. He asked if that would be an accurate statement.

Mr. Lemanowicz replied that that is correct, but it would obviously depend upon what that improvement is going to be. He said that we have talked about play areas like swing sets and such with a wood mulch underneath for cushioning and generally have *not* counted that as coverage because most people use wood mulch in their flower beds. But if there was a desire to put in a basketball court, that would be something different. He said that there are limitations in the Ordinance that, if it is under 400 S.F., it doesn't count so you could add a little playhouse.

Mr. Hoffman and Mr. O'Brien both agreed that under 400 S.F. may not count as drainage, but it *does* count as impervious coverage and it could raise the coverage, perhaps, to a number that exceeds the allowable.

Mr. Lemanowicz agreed but said that the applicant has already agreed that he is aware that there is to be no further increase in coverage.

Mr. Hoffman wanted it established clearly on the record what "awareness" means. He said that he was expanding that term and concept so that there is, hopefully, a full and complete understanding of the limitations and restrictions that this type of lot coverage might engender and impose down the road, not only for this applicant who is desirous of proceeding and going forward, but if in a few years from now there are some changes in ownership of the property.

Mr. Collins asked why that would matter right now.

Mr. Hoffman replied that he wanted the applicant to be aware of the way they are potentially limiting the usability of the site and wanted it on the record.

Dr. Behr felt that, in all fairness, the Board is very serious about that and he also felt that the applicant understands it.

The meeting was opened to the public for questions. There being none, the meeting was closed to the public.

Mrs. Malloy asked, if the existing garage is being removed, what is being done with the existing driveway?

Mr. Skrivanich replied that that area will be landscaped into a lawn area.

Mr. Asral agreed that the new attached garage will have a driveway going to the street.

Mrs. Malloy asked if there will be an indicated walkway from the front porch stairs to the driveway.

Mr. Asral said that one is shown on the engineer's site plan and it was accounted for in the proposed lot coverage.

Mrs. Malloy noted that a walkway is *not* shown from the rear deck to any structures that are ancillary to the property itself.

In response to Mr. Pesce, Mr. Asral said that there will be a basement underneath the proposed rear living space but not under the garage. He said that the foundation will have to extend about 3' above grade and by the time they go down to the frost level, it will be at basement height (about 7' of block).

In response to Mr. Gerecht, Mr. Asral said that it *will* be used as a basement underneath the office/guest room and will be accessed from the existing basement.

Mr. Gerecht said that he would have liked to have seen that on the plans.

Mrs. Skrivanich disagreed and said that there will be no access from the existing basement to the new proposed basement under the office/guest room. It will be accessed by a set of stairs leading to the basement.

Dr. Behr asked if it was included in the plans which the Board had.

Mr. O'Brien replied that the stairs are but not the basement.

In response to Mr. Gerecht, Mr. Skrivanich said that the basement will be accessed by the stairs next to the existing bedroom which will also go upstairs.

Mr. Asral agreed that the existing basement will not connect the proposed basement, but there will be access to the proposed basement from the addition.

Mr. Gerecht asked if there will be any windows in the proposed new basement.

Mr. Asral replied affirmatively.

Mr. Gerecht said that it would have been nice to see them on the plans.

Dr. Behr said that it is clear that plans have been revised and submitted and it was starting to sound like there will need to be additional plans for clarification to include any of the details to match Mr. Asral's testimony.

Mr. Asral agreed.

Mr. Hoffman asked if the designated office/guest room will be an additional bedroom, perhaps not used everyday, but for guests who also may have a computer.

Mr. Skrivanich replied that it will be a guest room for family when staying over. He said that it is not going to be an office for commercial purposes and that he will have his own office on the second floor, so the bedroom downstairs will just be a bedroom.

In response to Mr. O'Brien, Mr. Skrivanich agreed that when he said "office", it will be for his personal use at home.

Mr. Gerecht said that, if the applicant is going back to calling that room a bedroom and is removing the closets to accommodate the two windows, then they will need a closet if it is called a bedroom. He said that he would like to see where that closet is going to be located.

Mr. Skrivanich asked if he would be locked into this interior floor plan. He said that, if they are locked into it, it will need to be changed.

Dr. Behr replied that, what is normal, is that we take a look at exactly what the applicant is proposing and we make a ruling on that. He said that we are in a situation now of having to rule on plans that have just recently shown up that we did not have an opportunity to look at, and

plans which may well be modified in the future. He said that it will be up to the Board members to decide if there is enough information that will allow them to render a decision on this matter and that decision would be subject to final plans being presented to our consultants that would be approved by them.

Mr. Keegan asked if the home is on public sewer. If so, he said that it doesn't matter if there is a closet.

Mr. Lemanowicz said that the house is served by public sewer and therefore it is not affected.

Dr. Behr said that Mr. Gerecht had reminded him that, whatever is added to the plans that is rendered verbally here, *must* show up in the final plans that are presented for their review.

Mr. Skrivanich replied that that is understood. He said that his understanding was that the footprint for the new addition is what he was here for and the interior of the layout is still up for modification if they decide to make changes such as shrinking down a room or adding a closet, etc. His understanding was that he was just here for the footprint, elevation, windows, etc.

Dr. Behr agreed, but said that the plans submitted as the final plans *must* be what has been discussed before the Board and that applies to the outside *and* the inside. As the Board deliberates and presents conditions, he said that there has to be a 100% match between the plans and the Board's understanding of what was approved.

For example, Mr. Gerecht said that, if the two closets are going to be removed and a new one is going to be constructed, it must be shown on the plan.

Mr. Skrivanich asked, "That is when we modify everything and submit it again, right"?

Mr. Gerecht replied, "Right".

Mr. Lemanowicz said that, assuming the Board grants approval, the applicant's professionals are going to submit architectural and engineering plans and they are going to be signed by the Board Chairmen, Secretary, and Engineer. *Only* those plans are good for building permits. He advised Mr. Skrivanich that, if he moves a wall, he will have to come back to the Board.

Mr. and Mrs. Skrivanich replied that they understood.

Mrs. Skrivanich added that they just knew that they weren't locked in right now with deciding where they were going to put a closet – if they were going to move it from one side of the room to another. By the time it comes to submitting for permits, she said that they understood that they are locked in.

Dr. Behr, Mr. Lemanowicz and Mr. Hoffman disagreed. Mr. Hoffman said that, before this Board votes, or as a condition of any approval the Board issues, a set of plans needs to be generated or modified that will form the same basis as your subsequent plans when you apply for a building permit.

Mr. Lemanowicz said that the plans that are approved here are the ones you must stick to.

Dr. Behr said, should the Board approve with certain conditions, you are going to have to revise your plans which will be checked by the Board's consultants and that is what you will have to hold to when you build.

Mr. Skrivanich replied, "Okay", and said that they understand.

Mr. O'Brien added that, when we get to the end of this process, whatever the plans are that they approve, are what you have got.

Mr. Skrivanich replied, "You got it".

There being no further questions of Mr. Asral, Mr. Skrivanich introduced his next witness, Ms. Erica Bush, licensed professional engineer.

Ms. Bush was sworn. She reviewed her educational and professional background.

In response to Mr. O'Brien, she said that she is *not* an employee of Parker Engineering and that Mr. Parker had prepared the survey of the property.

Ms. Bush was accepted as an expert.

She referred to the technical comments contained in Mr. Lemanowicz's report dated 1/19/12, on Pg. 2. She said that Item 1 had to do with the distance from the finished floor to the highest point of the roof and that was just addressed by Mr. Asral. She said that Item 2(a) states that the drywell capacity is designed pursuant to ordinance Section 146.8b and that it also noted on Note 12 under the General Notes, which states that the stormwater management regulations require storage of runoff from the roof area and that the runoff is to be collected and stored from the proposed building addition roof, so she felt that she had complied with that comment. She referred to Item 2(b) and said that under Section 146.8d, she will comply and add a note or put a detail for the gutter protection so that leaves and twigs can't get into the gutter. Referring to Item 2(c), she said that it notes that the drywell does not have an overflow pipe. She said that, if you look at the Drywell Detail on the Plot Plan, it shows a grate instead of an overflow and that, basically, if the drywell fills up, it will just overflow out of the top. She said that she could not install an overflow pipe because it is too close to the property line and would discharge onto the neighboring property. She said that there really isn't that much slope on the property and so she was hoping that this was something that the Township Engineer will approve or help her with. Referring to Item 2(d) she said that per Section 146.8g, the Ordinance calls for 4" of sand on the bottom and then 6" of stone. She said that the stone will be revised to be 1 ½" instead of what she had proposed to be 2 ½" crushed stone, so they will comply with that also.

Dr. Behr asked if revised plans will be submitted to show that it will be brought into compliance.

Ms. Bush replied affirmatively.

Referring to Item 2(e), she said that the Board Engineer wants soils data to verify that the drywell will drain within 72 hours of being filled and that the seasonal high groundwater elevation is greater than 2' below the bottom of the stone layer under the drywell. She said that the Skrivanich's told her that the property does drain well. She noted that we have had *extremely* wet weather this past summer and they told her that it usually drains within 24 hours but sometimes it may take 2 days. She acknowledged that it is not the greatest draining soil but it *does* drain. According to the soils maps, she said that the water table is less than 2'. She proposed that they go out and do a soil log to show *exactly* where the seasonal high water table is and then propose a drywell that will meet the requirements, whether they make them shallower or put in some kind of infiltrative system. She felt that she could work with the Board Engineer and comply, but said that, if they *can't* meet the conditions for whatever reasons for the seasonal high water table, they will need relief so that they don't have to return to the Board. With regard to Item 2(f), she said that she will dimension the drywell location. She said that it is 5' from the property line and they will comply with that also. With regard to Technical Comment #3, she said that the grading plan calls for considerable disturbance and regrading of the property. She said that since they are moving the garage and driveway to the other side of the house, it is true that they will be regrading but more in the sense of planting. Referring to the Plot Plan she said that the property is basically a bowl and that any water that falls on the lot stays on the lot and slowly works its way to the north end of the lot. She said that the curb on the front keeps the water from running off of the lot and the high side is to the south. She said that the lot will be graded so that all of the water that falls from the proposed garage and in front of the house will then be directed to the street, so the situation will be made better since the water will not flow over to the neighbor on the north side (Lot 1.01). She said that they are creating swales and a berm so that the water will be directed to the drywell. The berm will be at a 4 to 1 slope and a slope of 3 to 1 is allowed. She said that the lot is very, very flat and even though there is a note that says that there is a slope of 25% to meet the existing grade, that is basically the berm and

they are not grading the whole lot. She said that they need to have some kind of swale to direct the water towards the seepage pit. She stated that she was finished with her testimony unless there were any questions.

Mr. Lemanowicz said that the fact that the water flows off the site could mean that it just flows some place else and does not mean that it is infiltrating. He said that if you have relatively impervious soils, that drywell is not going to empty and that was his concern, especially now that Ms. Bush indicated that the groundwater level is only 2' below the surface. He said that the fact that she found literature on that tells him that this drywell is simply not going to work.

Ms. Bush replied that, if there is a high water table, unless the water table is up into the drywell, it won't work in the sense that it is draining the water before it runs off the lot but it is going to work because "water in, water out". She said that the water table is up because the soil is permeable and that, according to the soils, below 60" it is a gritty, sandy loam to a silty loam.

In response to Mr. Lemanowicz, Ms. Bush said that she obtained her information from the Morris County Soils Survey Map, which was not submitted as part of this application. She said that she could go out and do a soil log to determine exactly what the seasonal high water table is.

Mr. Lemanowicz said that, typically, in a situation like this when there is data that shows that there is going to be decent material, we have pushed it off to the time of construction to be verified, but he did not have that information. He said that you can tell from the pictures and, as testified, that the area is rather flat and flat areas can tend to be heavy soils – not all the time, but that is a possibility and one he was concerned about. He said that if that information is submitted with the revised plans and it checks out, he could make a determination at that point with a level of comfort he has with that drywell.

Dr. Behr said that the concern is, what if it doesn't check out?

In that case, Mr. Lemanowicz replied that the only alternative is to possibly put the drywell in a higher area of the property and maybe find better soil. He said that, on occasion, when he is at a situation like this and they don't have a positive outflow from the drywell, there is *some* soils information submitted and if, at that point, the Soils Survey comes back to say it is heavy clay loam, then they know it is not working. He said that from what Ms. Bush indicated, the Soils Survey says it is sandy, so he could take a look at that and make a better judgment after he reviews the soils report.

Dr. Behr's concern was the basis upon which the Board would make a decision to approve or deny. He was wondering if we were holding too much in question on this particular application, or if Mr. Lemanowicz was comfortable that, should the Board decide to approve it, whatever would need to be done to bring the runoff and issues which were discussed into compliance simply at the level of an engineering review.

Mr. Lemanowicz said that he would leave some of that question to Mr. Hoffman, but if the condition were worded to the effect that the soil logs were found to show permeable soils or something like that, he felt that may be getting into a bit more of a reach than the Board usually goes.

Mr. Hoffman was uncomfortable with leaving how the stormwater management would be handled entirely in the hands of Mr. Lemanowicz. He thought he heard him say that it is one thing to substantiate the system that is designed and shown on the plans through backup soil testing to demonstrate that it will work, but if it won't work or if the soils do not support the situation, he said that we are back to square one in terms of how the drainage is going to be handled, if at all – if it is going to be retained at all, if it is going to be piped, or collected in various spread out basins, or in rain gardens. He said that we are all over the place potentially in terms of how it would be handled. He sensed from Mr. Lemanowicz that the Board may be delegating a little too much to him and asked him if he was correct.

Mr. Lemanowicz replied that it is typically more than the Board has given him in the past. He said that if there was soils data submitted that simply needed to be confirmed, that would be a different situation, but he said that he had *nothing* on the soils at this point.

Mr. Gerecht asked, if in a worse case scenario you couldn't put a drywell in because of the soil, water level, or whatever reason, what are some other options that could be used to keep water on the property?

Mr. Lemanowicz said that piping would be an option, but the plans don't show anything to pipe it to.

Mr. Gerecht understood but asked Mr. Lemanowicz what, in his experience they would be talking about, such as rain barrels, rain gardens, etc.

Mr. Lemanowicz replied that, if the soil does not accept water and it is going to leave the property and it is matter of controlling how it leaves the property, as he mentioned before, the proposed grading is significantly different than the existing contours. He said that, if you look at the photographs which Mr. O'Brien took, it is fairly flat and rolling but the berm that is being created on the north end of the property is at least 2' high and it's got a 1 on 4 slope next to it. He felt it is going to look a little odd. He said that the swales are being concentrated so if it goes to the drywell and the drywell is clogged or whatever, it is now concentrated. He said that it is better if you leave it to sheet. He said that, granted, we want to get it back there but the grading could be buffered a little more and the swales could be made a little wider so that it is slower going down and you are trying to make it blend a little better.

Ms. Bush said that the lot is at a .5% to 1% slope and the swales are only going to be 2% which is the norm for grass swales. She said that she could make the berm a little wider, but again she said that the situation will be made much better for the neighbor to the north because the water from the north side of the Skrivanich's driveway currently goes onto their lot. She also said that they are not grading the lot so different that it is going to make the water flow faster, it is just that they are directing it so that it does go to the seepage pit.

In response to Dr. Behr, Ms. Bush confirmed that the effect of the swales will not increase the rate of flow, it will only direct it to the seepage pit.

Dr. Behr asked Mr. Lemanowicz if he agreed.

Mr. Lemanowicz replied that the property currently flows to the north and somewhat to the northeast. Because of that berm, he said everything is now going to the east, so that while Lot 1.01 may be benefitting, he was a little concerned about L 11. He said that a lot of this will be answered by what the soils look like, which data we don't have. He felt that reducing the grading, from a visual standpoint from the road, will look like it fits better. He said that they really don't need a 2' high berm out there because if there is that much water flowing from this property, we have other problems.

Mr. Hoffman said that there was testimony by Ms. Bush (and he thought it was concurred by Mr. Lemanowicz) that there is *no necessity* to have a so called overflow pipe for the drywell and that it may not work here. He said that, according to Mr. Lemanowicz's report, that is indeed a requirement of the Ordinance (that there be an overflow pipe), so he questioned if there wouldn't have to be a specific waiver as to that requirement.

Mr. Lemanowicz replied that the Ordinance does require an overflow pipe and it is preferred to have a pipe, but using an overflow grate is not unusual. However, his concern was how the drywell itself is going to work. One of the concerns he had was what is going to be the impact when it does overflow? He said that these will overflow and, in this case, the drywell is sized to handle the addition, but the applicant has a good portion of the property going to it also.

Dr. Behr added that we have heard no testimony to really answer Mr. Lemanowicz's concerns.

Ms. Bush replied that what will happen is the same thing that happens now – the water just flows across the lot onto the other lot. One thing that she wanted to note about the berm was that, if you look at the existing grading at topo line 98, that is a little bit of a low spot and they are basically going to make the lot look a lot better because they will be filling it in. She said that right now it is a “bowl”, so it won’t look bad at all and, in fact, will look better. She also said that these are 1’ contour lines, so it looks more extreme on the paper than she felt it will look out in the field.

Mr. Gerecht asked for the square footage of the existing driveway.

Ms. Bush replied that it was on the chart on the bottom of the Plot Plan (1,258 S.F.). She said that they could do an as-built plan when the whole project is done to show exactly what is pervious and impervious.

In response to Mr. Pesce, Mr. O’Brien said that they need to have no net runoff.

Mr. Hoffman added, “No net increase in runoff, even if it is below the lot coverage requirement”. He said that there are two separate (and sometimes overlapping) requirements, but nevertheless they are both on the books.

Mr. Pesce asked if has been demonstrated that it is a given that by putting the proposed addition on, there will be runoff onto additional properties if not dealt with.

Mr. Lemanowicz replied that you are increasing impervious coverage which, by nature, increases the amount of runoff that you are going to have. He said that when we deal with single family lots like this, we don’t go through a whole drainage design, the Ordinance says that you have to store 4” of water and that is what this is doing, which is reasonable for a single lot. He said that the Ordinance aims for 4” of water and it is sized for the roof that way. His concern was having the whole lot go there *in addition* to that because once this does overflow, everything is at that one point overflowing.

Mr. Pesce said that the assumption is that you put this addition on, it is creating more runoff and that runoff, if not contained, is going to exit the boundaries of the property.

Mr. Lemanowicz replied, “Yes”.

Mr. O’Brien added that every drop of water that exits the property goes somewhere. Does it go into the basin, add to the river, or does it go to other tributaries? He said that the idea is that it doesn’t leave the property when there is new construction.

Mr. Hoffman thought that we have heard from Mr. Lemanowicz that it can be demonstrated through soil logs that this drywell is more of a holding facility and that it will work, but said we haven’t heard that testimony at this point.

Dr. Behr added, “Nor do we have the data that would allow us to really make any ruling on that”.

Mr. Hoffman said that there was some input received from the Township Shade Tree Commission about the planting of a minimum of 5 trees and possibly even a greater number. He asked if the applicant is amenable to meeting with them and plotting out the desired location for the additional shade trees.

Mr. Skrivanich said that, if you look at the north and south sides of the property, in the last two years they have planted approximately 30 evergreens on both sides for a natural privacy fence. With the new addition, he said that approximately 5 trees will be taken down leaving 2 on the southwest corner and 2 on the southeast corner. As to the front property line, he said that they plan on putting in 2 extra trees, 50’ apart from each other, to keep up with the streetscape of Lackawanna Blvd. He said that they don’t want to put any additional trees in between the evergreens and the addition for the simple fact that the house has been in the shade for such a long period of time and there is always mold growing on the roof and side of the dwelling. He

said that he did not plan on planting any types of maples, oaks, or anything other than what they have right now because those trees grow to 25'-30' and the purpose of putting them there was to provide privacy.

Mr. O'Brien said that the plans show a total of 8 trees to be removed and the Shade Tree Commission is suggesting 5 street trees which would go across the 150' lot width, however if you take a look at the photographs, there are existing trees fairly close to the front lot line on the south side and again on the north side, so there may be room for approximately 3 along the street itself with 30' centers. He asked Mr. Skrivanich if he would be willing to do something along those lines.

Mr. Skrivanich replied that he would do so on the front side, but asked if the recommended spacing was 50' in between.

Mr. O'Brien replied that it depends upon the type of tree.

Mr. Skrivanich asked if they could make it 50', instead of 30'.

Mr. O'Brien suggested looking at what is proposed on the revised plans.

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Dr. Behr said that it is the practice and commitment of this Board as a matter of principle to be able to hear an application of a residential nature in its entirety in a single meeting. He said that, at this point, we simply do not have enough information that would allow us to, in any kind of confidence, know that the stormwater management provisions of this property would be acceptable. He said that he didn't need to tell anybody here that stormwater management and flooding and all of the issues associated with it or of paramount importance. He apologized and said that we are going to have to carry this application forward to another hearing. He said that there are simply too many open issues that we don't know about that exceed the ability of the Board to leave it up to the Board Engineer. He said that we simply don't know that what is being proposed is, in fact, going to work. In addition, he said that changes have been made to the application that, unfortunately, the Board did not receive in time. While he appreciated the efforts made to do the revisions, he felt that the primary issue is the whole stormwater management issue. After confirming with Mrs. Wolfe that March 6, 2012 was the next available date on the Board calendar, he advised Mr. Skrivanich that his application will be scheduled first on the agenda that evening. He said that the Board will explain to him the things that are needed in order to make a decision. His commitment to Mr. Skrivanich was that, if he can get the Board the information that it needs, the Board will do everything it can to resolve the application in a very quick and efficient manner.

Mr. Hoffman said that additional information must be furnished reasonably in advance of the next hearing.

Mr. O'Brien noted that two weeks out would be the 21st of February.

Dr. Behr said that he wanted to review what the Board is looking for and then see if it will work for the applicant.

Mr. Skrivanich replied that it will work but in his defense, he said that he just got "the letter" last week from the Township. He felt that to close this meeting tonight and say that the Board needs more information is very unfair.

Dr. Behr replied that he appreciated Mr. Skrivanich's feeling on that, however he said that the stormwater management issues are not solely dependent on the opinion of our engineer but are really site specific.

Mr. Lemanowicz added that the stormwater management comments were made on January 19th.

Mr. Skrivanich said that that was less than two weeks ago.

Mr. Hoffman replied that that is to allow time for the Board's consultants to respond. He said that we need all of the base data in on behalf of the applicant a minimum of two weeks before.

Dr. Behr said that the bottom line is that we simply cannot short circuit the obligation that we have to the Township to ensure that anything that the Board approves is going to meet the appropriate stormwater management qualifications. He said that he was not assigning blame and this is the situation we have, but we must do what the Board feels is right.

Mr. Keegan asked to revisit Sheet Z-4 regarding the window issue brought about in Mr. O'Brien's report and wanted to get the consensus of the Board members and Mr. O'Brien. He said that, in the revised plans, a door was added to the garage and there were two windows added to part of the first story of the addition and there were also windows added to the second story in the master bathroom area. His question to Mr. O'Brien was, what is sufficient to break up the solid surface area? In his opinion, he did not see a benefit to having windows in the master bathroom, at least that face the immediate neighbors. He said that they are putting a bathroom above the garage and you have got to keep that space as tight as possible and he did not believe that a window is going to have the "R value" that insulation would have. His concern was that, in dealing with bedrooms above a garage right now himself, those rooms get cold and you don't want to waste money heating a garage. He asked if they needed the window or is the door sufficient and do they need the windows in the master bathroom. He asked what amount of openings they could have that would be sufficient to meet Mr. O'Brien's comment.

Mr. O'Brien said that the second floor bathroom windows have the advantage in that they are south facing so what you are losing in insulation you are picking up in solar energy which will help to heat that second floor. On balance, he felt that you will gain more heat than loss given the solar energy. If those were removed and you were to leave a blank expanse on the second floor, he said that the concern has been voiced in the Ordinance as well as in past applications before this Board to have a blank wall in a residential area. He said that newer subdivisions typically have more blank space than older neighborhoods and it is not so bad when you have got a subdivision of a number of homes and they are all designed in similar ways so you do have large expanses of blank walls. Not that that is acceptable to the Township to have blank walls as a concept, but if an entire subdivision is that way, he said you could make an argument that they are meeting a look and feel for a neighborhood. He said that this is an established neighborhood and when you take a look at the homes that are around you, the ones to the south date back to the 1920's and 1930's perhaps, or possibly the 1940's. Looking at all those homes, he said that the 3 in a row immediately to the south all have windows on each of their exterior walls and if you take a look at the newer homes across the street (on the western side of Lackawanna Blvd.) even the split levels from the 1970's or so have the windows that face out. In terms of the look and feel of the neighborhood and matching the scale of that residential neighborhood, he said that windows are an important part of how it all blends together and the fact that the architect has chosen to place windows in the bathroom at an elevation of about 6', you don't have issues of people peering in or a worry in that regard.

Mr. Gerecht said that that brings up the point of why we need those plans to look at because we have questions based on that and we didn't have answers and didn't know based on the fact that we had one set of plans. He said that it is hard for the Board members to make up their minds.

Mr. Skrivanich again replied that, to his defense, he got the report a week ago and tried to modify and present something to the Board tonight.

Dr. Behr again said that the Board appreciated that, but the issue is that the Board can only rule on the evidence we have and the critical evidence that is missing is the evidence regarding stormwater. So, therefore, we have established a date for the second hearing. He said that he would like Mr. O'Brien and Mr. Lemanowicz to outline what their sense is of the additional information that is needed.

In response to Dr. Behr, Mr. Hoffman said that he did not believe that the revised plans were marked into evidence and they should be.

The plans entitled “Addition & Alternations” for the Skrivanich residence prepared by Douglass Asral, AIA, dated 7/6/11, last rev. 2/7/12, consisting of Sheets Z-1 through Z-4 were marked into evidence as **EXHIBIT A-1**.

Dr. Behr asked Mr. Skrivanich to please understand that this is not the normal or desired practice of the Board. He said that, had the Board had all the information needed to make a decision, it would certainly have done so this evening. He said that the Board’s absolute intent is to wrap this up very quickly at the next meeting. He asked Mr. O’Brien what additional information he needed.

Mr. O’Brien replied that, based upon comments that the Board and staff have made, he suggested that the following items be included on revised plans:

- Show the basement space on the plans;
- On the revised architectural plan show the windows, doors, and any changes;
- Show the revised numbers on both plans, such as the roof ridge and floor dimensions;
- Show the drywell design;
- Show the soil logs;
- Accommodate all additional runoff on the property;
- Revise the Grading Plan;
- Show 2 or 3 street trees;
- Show house finish on the architecturals;
- Show the obscured house lighting;
- Show the air conditioning units on the plot plan;
- Show the gutter protection note.

He said that he would send a copy of his list to the applicant and his professionals. He said that it would be best if any revised plans were submitted to the Board by February 21, 2012, which would give the Board’s consultants a week to review them which means that on February 28, 2012, the applicants will get comments back.

Mr. Gerecht added that the change in the deck size should be included.

In response to Dr. Behr, Mr. Lemanowicz said that he and Mr. O’Brien had conferred on the list during the recess.

Regarding the deck size, Mr. Skrivanich said that he was not 100% sure that they will be shrinking the deck because if they must get space from somewhere else, they may be shrinking the driveway to allow for the deck space to remain.

In response to Mr. Gerecht, Mr. Skrivanich agreed to show the same on the revised plans, including the revised numbers.

Mr. Gerecht also asked the applicant to show if there are going to be closets and where (or not) in the office/guest room.

Mr. O’Brien confirmed that the Skrivanich application will be considered first on the agenda of the March 6th meeting.

After discussion, Mrs. Raimer said that the application of Parthenon Realty, LLC is also scheduled to be considered on March 6th and we left them with the impression that they would be first on the agenda.

Mr. Collins recalled that Parthenon Realty, LLC had reserved the February 21st and March 6th hearing date because some of their professionals could not attend on February 21st.

Dr. Behr said that his preference would still be to allow the Skrivanich application to be heard first and mention it to the representatives of Parthenon Realty at their next meeting.

Mr. Skrivanich asked if his architect and engineer must be present at the March 6th meeting.

Mr. Hoffman replied that certainly his engineer must be present.

Dr. Behr agreed. He said that the Board has heard the architect's testimony and it does not need to be repeated. So long as the architectural plans reflect what has been discussed, he said that he was not sure that it would be necessary for him to return.

Mr. Hoffman said that the applicant is going to have to make his own judgment on that. He sensed that there are major/significant engineering issues still to be resolved. If, upon submittal of revised architectural plans the applicant gets a report back from Mr. O'Brien to the effect that everything seems to be perfectly acceptable to him from an architectural perspective, he said that Mr. Skrivanich could probably safely save any expense incidental to bringing back the architect. If, however, he gets the impression that there are still issues of an architectural nature to be dealt with, he may feel otherwise.

Dr. Behr said that the Board has been quite clear on those issues that are architecturally related. He said that what we are looking for largely is confirmation of the testimony that we already heard and so, unless there is something significantly new in what is being presented, he said that Mr. Hoffman's comment was well made in that Mr. Skrivanich would be safest getting the reading from Mr. O'Brien. However, it was his understanding that the only changes being made architecturally are those that were already discussed and the Board is familiar with. He reconfirmed, however, that the applicant's engineer *will* need to be here.

The application was carried to March 6, 2012 with no further notice.

There being no further business, the meeting adjourned at 10:45 P.M.

DAWN V. WOLFE
Planning & Zoning Administrator

