

MINUTES
MARCH 15, 2016

BOARD OF ADJUSTMENT

LONG HILL TOWNSHIP

CALL TO ORDER AND STATEMENT OF COMPLIANCE

Vice Chairman Gerecht called the meeting to order at 8:05 P.M. He then read the following statement: Adequate notice of this meeting has been provided by posting a copy of the public meetings 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 in January, 2016.

MEETING CUT-OFF

Vice Chairman Gerecht read the following statement: Announcement was made that as a matter of procedure, it was the intention of the Board of Adjustment not to continue any matter past 11:00 P.M. at any Regular or Special Meeting of the Board unless a motion was passed by the members then present to extend the meeting to a later specified cut-off time.

CELL PHONES AND PAGERS

Vice Chairman Gerecht read the following statement: All in attendance are requested to turn off cell phones and pagers as they interfere with the court room taping mechanism.

PLEDGE OF ALLEGIANCE

ROLL CALL

On a call of the roll, the following were Present:

Edwin F. Gerecht, Jr., Vice-Chairman
Michael O'Mullan, Member
Thomas Sims, Member
Jeffrey Wills, 1st Alternate
Brian Johnson, 2nd Alternate

Dan Bernstein, Bd. Attorney
Thomas Lemanowicz, Bd. Engineer
Kevin O'Brien, Bd. Planner
Cyndi Kiefer, Bd. Secretary

Excused:

E. Thomas Behr, Chairman
Richard Keegan, Member
Michael Pesce, Member

Absent:

Jerry Aroneo, Member

Ms. Kiefer advised Vice Chairman Gerecht that he had a quorum and could proceed.

EXECUTIVE SESSION

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

RESOLUTION OF MEMORIALIZATION

MARK WHITNEY
78 Gates Avenue
Block 13503, Lot 12

#15-06Z
Bulk Variances

The board members agreed that a wording change was necessary on Item 7 of the conditions list to clarify that the location of the door with cut off lighting was on the garage, not on the house. A **ROLL CALL VOTE** was taken. Those in **FAVOR**: Mr. O'Mullan, Mr. Sims, Mr. Wills, Mr. Johnson, Vice Chairman Gerecht. Those **OPPOSED**: NONE. The Resolution of Memorialization for the application was approved unanimously.

PUBLIC HEARING

J. RICHARDONE/L. ASCANI
165 Basking Ridge Road
Block 12401, Lot 4

#16-01Z
Bulk Variances

PROOF OF MAILING PROVIDED

Court Reporter appearance waived by applicant

Present: Junis Richardone, Applicant
LuAnn Ascani, Applicant
Chester P. DiLorenzo, P.E., L.S., P.P., engineer for the applicant

Vice Chairman Gerecht introduced the application by saying that Junis Richardone and LuAnn Ascani applied for submission waivers and bulk variances under N.J.S.A. 40:55D-70c for the construction of an in-ground swimming pool on their residential lot which was located at 165 Basking Ridge Road, Millington, and designated as Block 12401, Lot 4 on the Long Hill Township Tax Map in the R-3 zone

The application was presented by Junis Richardone, LuAnn Ascani and their Civil Engineer, Surveyor, and Professional Planner Chester P. DiLorenzo, P.E., L.S., P.P., **Midstate Engineering Inc.**, Freehold, NJ.

The application was reviewed by Zoning Board Planner Kevin O'Brien, P.P. of the firm of **Shamrock Enterprises, Ltd.** and Zoning Board Engineer Thomas Lemanowicz, P.E. of the firm of **Remington, Vernick & Arango Engineers**, and neither consultant voiced any problem with the requested submission waivers which were then approved by the Board.

There was a slight discrepancy in the numbers provided by Mr. DiLorenzo and the applicants' prior surveyor. Mr. DiLorenzo chose to use the prior surveyor's figures, and stated that the subject property contained about 35,273 square feet, while the minimum lot size in the R-3 Zone was 30,000 square feet.

Mr. DiLorenzo noted that the lot width was about 140 feet, while the Zoning Ordinance required a minimum lot width of 150 feet. He stated that the adjoining parcels each had 140 feet of frontage and that the applicant could not acquire additional property in which to make the subject property conforming in lot width.

Mr. DiLorenzo testified that the swimming pool would be placed in back of the existing dwelling and that the swimming pool, patio, and filter pad would add 1,076 square feet of lot coverage, increasing the coverage from 21.5% to 24.6%, while the maximum lot coverage permitted in the R-3 Zone was 20%. The applicants had purchased the subject property approximately a year ago, had not increased lot coverage, and were not aware that the existing lot coverage exceeded that permitted in the zone. He said that the plot plan which was submitted to the Township for the construction of the home showed a smaller driveway than that which was actually constructed.

Mr. DiLorenzo stated that the applicants had proposed landscaping which would buffer the swimming pool.

Mr. DiLorenzo discussed existing stormwater control facilities and the new drywells which he proposed, and Mr. Lemanowicz said that the proposed stormwater control measures could be tweaked to reduce run-off to that produced by 20% lot coverage, which was agreed to by the applicants' engineer, who also agreed to the conditions in Mr. Lemanowicz's report.

Mr. DiLorenzo said that the requested lot coverage variance was justified under N.J.S.A. 40:55D-70c(2) by advancing a purpose of the Municipal Land Use Law under N.J.S.A. 40:55D-2g by providing "sufficient space in appropriate locations for a variety of ... recreational ... uses ..., both public and private ..." by the construction of an attractive swimming pool.

Mr. DiLorenzo also said that the benefits from the deviations substantially outweighed any detriments, and that the requested relief could be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the Zone Plan and Zoning Ordinance of the Township of Long Hill.

After deliberations, Mr. O'Mullan moved approval of the application. Mr. Wills seconded that motion and a **ROLL CALL VOTE** was taken. Those in Favor: Mr. O'Mullan, Mr. Sims, Mr. Wills, Mr. Johnson, Vice Chairman Gerecht. Those Opposed: NONE. The application was approved unanimously with the following conditions:

1. Comply with Board Engineer's letter dated 8 March 2016 as follows:

- a) During the technical review process, an inconsistency was noted between the current plans and the historical plans with respect to lot area. At the time this was noticed, the applicant had already prepared the large copies required for distribution to the Board. Rather than discard the plan sets already made for replacement by correct plans, it was decided to allow the applicant to provide a

corrected Lot Coverage calculation on a separate sheet, with the understanding that, in the case of an approval, the data would be transferred to the plans.

- b) The drywell design volume was based upon a round excavation that has a radius that was one foot larger than the radius of the tank. It was far more likely that the excavation will be a rectangle that will house both tanks as this was an easier hole to dig. Correcting the calculations will show the system to be closer to meeting the Board's policy of asking that stormwater mitigation be based on the allowable Lot Coverage, not the existing.
 - c) The drywell grate elevation on the plan was the same as the top-of-slab elevation of the drywell. Since the specified grate was three inches high, and it sits on top of the slab, the top-of-slab elevation cannot be the same as the grate elevation.
 - d) The drywell was specified with a top inlet grate. However, the plans also show a separate Catch Basin detail. The plans should be clarified.
 - e) The drywell capacity calculations appear to acknowledge a 4.5 foot deep drywell where detail shows a 5.3 foot deep drywell. Correcting the calculations will show the system to be closer to meeting the Board's policy of asking that stormwater mitigation be based on the allowable Lot Coverage, not the existing.
 - f) The pipe in the Collection trench should be specified as rigid PVC pipe. The less expensive ADS flexible black pipe was subject to crushing.
 - g) The pipe in the Collection Trench should be shown to be connected to the drywell.
 - h) A wheel cleaning blanket should be provided where the construction traffic exits the driveway into the rear yard.
2. Applicant to meet 20% impervious cover limit with stormwater measures acceptable to the Board Engineer.
 3. Fence shall be Jerith 54" anodized black from the Appalachian Aluminum Company, or similar subject to review by the Board Planner.
 4. Locate gates and gate sizes on final plans subject to review by the Board Planner.
 5. Site Plan to specify Moon Visions Bullet light model BR30 or similar and location of lights subject to review by the Board Planner.
 6. Rotate the pool equipment so it was parallel to the western wall of the house, not perpendicular, subject to review by the Board Planner.
 7. Applicant to add landscaping sufficient to screen pool equipment from adjacent neighbor to the west subject to review of the Board Planner.
 8. Applicant shall submit proof of payment of real estate taxes through the second quarter of 2016.

APPLICATION PROCESS EFFICIENCY - Simplified Checklist

Vice Chairman Gerecht introduced discussion of Version 7 of the "Checklist for Land Use Applications".

Ms. Kiefer described some of the changes that had been made to the checklist. The board members and board professionals discussed other changes.

Mr. O'Brien advised that in addition to the simplified checklist for bulk variances only, a new simplified application was also being created. He suggested that both the checklist and the application use the term "Land Use Applications". The board members agreed.

Ms. Kiefer told the board members that she would make all the changes that had been agreed upon and then email the amended checklist to the board members.

APPLICATION PROCESS EFFICIENCY - Application Form

Ms. Kiefer advised the board members that what they had in front of them was the current "Application for Development". In addition they had application form pages 2 and 3. She explained that the first page was fairly self-explanatory. Chairman Behr had made revisions and suggestions to simplify the information requested on pages 2 and 3.

Mr. Bernstein felt that concepts such as "positive and negative criteria" and "proofs" were too difficult for the average homeowner to understand. Instead, in his opinion the homeowner should merely be asked what the justification for the variance was and what the impact on his neighbors would be. The rest of the information could be gleaned from the hearing itself.

Mr. Wills asked how the information in the application was used. Mr. O'Brien answered that most of the information used was gathered from conversations with the applicant especially during Completeness Review meetings and that very little information on the application itself was used.

Mr. Bernstein agreed that when he composed resolutions, he rarely referred to the application.

The board members agreed that they too got little value from the application form. They placed far more value on the professionals' reports.

Vice Chairman Gerecht agreed that the form for the homeowner should consist of the first page information sheet, two or three simple questions and a list of witnesses scheduled to appear for potential conflict of interest issues. The rest of the information would be brought forward through the remainder of the application process and the hearing itself.

Ms. Kiefer then asked the board members for a list of items that they would like in the application packet that they received prior to hearings. Vice Chairman Gerecht responded that he didn't need to say items such as the "Taxes Paid" form or reports that had "No Comment." It was agreed that Ms. Kiefer would use the application packet transmittal sheet to indicate whether there was "No Comment" or whether no report was received.

Mr. O'Mullan motioned to adjourn and Mr. Wills seconded the motion. The meeting was adjourned at 10:30 PM.

Date: 7.6.16



Cyndi Kiefer
Planning and Zoning Coordinator