

BOROUGH OF MOUNT ARLINGTON
LAND USE BOARD MEETING MINUTES
Reorganization Meeting
January 27, 2021
7:00 PM

Meeting called to order at 7:00 p.m.

“Pledge of Allegiance to the Flag” recited.

This meeting was advertised in the Daily Record and the Roxbury Register.

Class I member, Mayor Michael Stanzilis, Class II member Carolyn Rinaldi, Class III member, Melissa Fostle, Class IV member, Rob Van den Hende, Alternate #2, Karen Meehan, Alternate #3 David Karpman and Alternate #4, Heide Roldan were sworn in.

1. Members and Terms:

- a. Class I-Mayor Michael Stanzilis (1 year, expires 12/31/21)
- b. Class II-Carolyn Rinaldi, Borough Employee (1 year, expires 12/31/21)
- c. Class III-Councilwoman Melissa Fostle (1 year, expires 12/31/21)
- d. Class IV-Rob Van den Hende (2 year, expires 12/31/22)
- e. Class IV-Tom Foley (4 year, expires 12/31/21)
- f. Class IV-Fran Hallowich (4 year, expires 12/31/22)
- g. Class IV-John Driscoll (4 year, expires 12/31/22)
- h. Class IV-Dave BaRoss (2 year, expires 12/31/21)
- i. Class IV-Joe Lang (4 year unexpired, expires 12/31/21)
- j. Alternate 1-Eric Green (3 year, expires 12/31/21)
- k. Alternate 2-Karen Meehan (2 year, expires 12/31/22)
- l. Alternate 3-David Karpman (2 year, expires 12/31/22)
- m. Alternate 4-Heidi Roldan (2 year, expires 12/31/22)

Motion to nominate Chairman of the Board: Motion by Lang to nominate J. Robert Van den Hende.
Second by Meehan.

Roll Call: Hallowich, Driscoll, Fostle, BaRoss, Lang, Rinaldi, Mayor Stanzilis, Green, Meehan, Karpman, Roldan
Motion approved.

Motion to nominate Vice Chairman of the Board: Motion by BaRoss to nominate Melissa Fostle, Second, Van den Hende

Roll Call: Hallowich, Driscoll, Van den Hende, BaRoss, Lang, Rinaldi, Mayor Stanzilis, Green, Meehan, Karpman, Roldan.
Motion approved.

Motion to nominate Secretary of the Board: Motion by Mayor Stanzilis to nominate Kathy Appleby.
Second by Rinaldi.

Roll Call: Hallowich, Driscoll, Van den Hende, Fostle, BaRoss, Lang, Rinaldi, Mayor Stanzilis, Green, Meehan, Karpman, Roldan
Motion approved.

Motion to nominate Attorney of the Board: Motion to nominate Michael Selvaggi, Esq., of Lavery, Selvaggi, Abromitis and Cohen, PC by Mayor Stanzilis. Second by Van den Hende.
Roll Call: Hallowich, Driscoll, Van den Hende, Fostle, BaRoss, Lang, Rinaldi, Mayor Stanzilis, Green, Meehan, Karpman, Roldan
Motion approved.

Motion to nominate Engineer of the Board: Motion to nominate Dave Clark, of CP Engineers by Mayor Stanzilis. Second by BaRoss.
Roll Call: Hallowich, Driscoll, Van den Hende, Fostle, BaRoss, Lang, Rinaldi, Mayor Stanzilis, Green, Meehan, Karpman, Roldan
Motion approved.

Motion to nominate Planner of the Board: Motion to nominate Jessica Caldwell of Caldwell & Associates by Lang. Second by Rinaldi.
Roll Call: Hallowich, Driscoll, Van den Hende, Fostle, BaRoss, Lang, Rinaldi, Mayor Stanzilis, Green, Meehan, Karpman, Roldan
Motion approved.

Motion to nominate The Daily Record and Roxbury Register as the official 2021 newspapers for the Board: Motion by Hallowich. Second by Rinaldi.
Roll Call: Hallowich, Driscoll, Van den Hende, Fostle, BaRoss, Lang, Rinaldi, Mayor Stanzilis, Green, Meehan, Karpman, Roldan
Motion approved.

Regular Session Dates

January 27, 2021 Reorg
February 24, 2021
March 24, 2021
April 28, 2021
May 26, 2021
June 23, 2021
July 28, 2021
August 25, 2021
September 22, 2021
October 27, 2021
November 17, 2021
December 15, 2021
January 26, 2022 Reorg

Motion to accept Regular Meeting dates for the year 2021 and January 2022 by Meehan. Second by Lang.

Roll Call: Hallowich, Driscoll, Van den Hende, Fostle, BaRoss, Lang, Rinaldi, Mayor Stanzilis, Green, Meehan, Karpman, Roldan

Motion approved

Note: Work Sessions will be scheduled as needed. The Engineer, Planner and Attorney will be present at work sessions only when requested. The Attorney and Engineer will be present at all regular and special meetings. The Planner will be present at regular and special meetings only when requested

Motion to approve advertising Regular meeting dates for the year 2021 and January 2022 by Rinaldi. Second by Meehan.

Roll Call: Hallowich, Driscoll, Van den Hende, Fostle, BaRoss, Lang, Rinaldi, Mayor Stanzilis, Green, Meehan, Karpman, Roldan

Motion approved.

Motion to close Re-organization meeting by Fostle. Second by Meehan.

Attendance Roll Call:

Hallowich, Driscoll, Van den Hende, Fostle, BaRoss, Lang, Rinaldi, Mayor Stanzilis, Green, Meehan, Karpman, Roldan

Absent: Tom Foley Class IV Member

Motion for approval of meeting minutes from December 16, 2020. Motion by Fostle. Second by Lang.

Roll Call: Hallowich, Foley, Driscoll, Rinaldi, Mayor Stanzilis, BaRoss, Green, Karpman, Roldan

Motion approved.

Motion to approve Vouchers. Motion by Fostle. Second by Hallowich.

Roll Call: Hallowich, Driscoll, Van den Hende, Fostle, BaRoss, Lang, Rinaldi, Mayor Stanzilis, Green, Meehan, Karpman, Roldan.

Motion approved.

Memorialization of Resolution:

Land Use Board Recommending the Adoption of a Redevelopment Plan for 181 Howard Blvd.

B. 61.02, L. 23.08 and

111 Howard Blvd. B. 61.02, L. 23.02

Motion to Approve by BaRoss. Second by Fostle

Application: Jay B. & Karen Decker

52 W. Bertrand Rd

Block 55, Lot 7

Bulk Variance, D4 Variance

Deemed complete: January 5, 2021

Bernd Hefele attorney for the Applicant

The home is a very old single story dwelling in disrepair. Roof is badly damaged from a falling tree and has been covered with a tarp for months. The inside is barely habitable and cannot not be rebuilt. The proposal is to demolish the home and rebuild.

The lot is undersized in terms of the Zoning area which creates a number of variances. Building a 2-story home will lessen the existing side yard setback along with the impervious coverage. Variances needed are lot area, lot width, side yard setbacks, impervious coverage and FAR.

Jay Decker (Applicant) is sworn in
52 W. Bertrand Rd.
Mt. Arlington, NJ 07856

Testifies that he and his wife Karen reside in the small home that is in need of renovations. The home recently had damage during a storm from a tree falling on it. Rather than trying to repair the damage to the home it became more feasible to rebuild than to repair all the damages. They are proposing to build a new 2-story home that would suit the neighborhood and the smaller lot they own.

Rob Van den Hende questions the section of property deemed in dispute regarding a title boundary line. Title issue to be discussed by the engineer once sworn in.

Open to the Public:

Krista Owen
42 W. Bertrand

States that it will be an improvement to the neighborhood

Closed to the public

Thomas Graham, P.E. licensed professional engineer from Dykstra Walker is sworn in. Title calculations were done assuming the property belongs to the Decker's. Title can be worked out at a later date as the area in question is in error. The lot lines in the area are pretty regular and this 4'x 22' jog is not in format with other properties in the area. Mr. Hefele believes that the title insurance will be sufficient.

Property is in a RA 7.5 district and is 4000 sq. ft. and supports a one (1) story single family home.

- Supports existing single-story home
- Site slopes from rear to the road
- Some portions do meet steep slope ordinance
- Vegetative disturbance is in the allowable limits
- Lot is undersized

Additional non-conformities are lot width, minimum frontage, minimum side yard and driveway slope at the road.

Applicant is proposing to demolish existing home and construct a new 2-story single family dwelling. The proposed foot print of new home is a bit smaller than the existing which decreased the impervious coverage.

Proposed plan does not meet the full requirements of the zone.

- Front yard now meets requirement
- One side is improved – 1.5ft exists and 6.3ft proposed, 10ft. required.
- Combined side yard – 3.8ft exists and 13.1ft proposed, 20ft required.
- Rear yard is improved – 35.1 exists and 38.2ft. proposed, 20ft required
- D4 FAR Variance 29% to 48% where 30% is allowed in the ordinance.
- Building height is 15.8ft, proposed is 26.2ft, 35ft is required.
- Driveway has been reconfigured to meet ordinance

Mr. Graham goes over the Engineer's requests:

1. Paved driveway detail
2. Grade plan calculations

Chairman asks what is being done to alleviate water runoff if a rain garden cannot be implemented. Majority of impervious coverage is roof area and it is not considered dirty water, driveway is being reconfigured and reduces runoff from the site to the lake.

Joe lang asks where the roof water is being discharged now?

Mr. Graham – half is going to the back and half to the front of the house.

3 roof liter points, one point goes to driveway then to the road and the other 2 have opportunity to run over vegetative surfaces.

Dave Clark suggests a small trench for roof run-off at inlet in front of property or a small Infiltration chamber parallel to the road and property line.

Dave Clark asks about lighting in front of house, lighting will only be on entry ways.

No questions from the Board

Planner sworn in

Matt Flynn from John McDonough's office

101 Gibraltar Drive

Morris Plains, NJ

Mark as Planners Exhibit 1

11-page Exhibit of photos and maps of property

Home was built in 1952 – the lot is under sized and the dwelling is in disrepair. They are going to replace the single-story home with a new 2-story home.

Many properties in the area are undersized as well. 4000ft where 7500ft is required in that zone.

Impervious coverage is being improved and the FAR variance is triggered by the 2nd floor. The home has been dilapidated and the application will bring the beauty back to the neighborhood.

They are providing more open space on the lot by going up instead of out. There are other 2-story houses in this area.

Chairman asks to expand on the FAR Variance, the planning intent is to prevent overcrowding.

Positive

Improve neighborhood harmony

Several other 2- story on the block with similar size lots

Improving home in disrepair

Replace with modern building

Investing to add value and quality and improve aesthetics

Providing modern housing stock

The project promotes “Purposes” of the Land Use Law

A – promotion of the general welfare

G – Variety of land uses and locations

I - Desirable visual environment

M – efficient use of land

Negative

FAR relief can be granted without causing substantial detriment to area or zone plan

Storm water runoff will not be exacerbated, minor improvements are possible but will not change the run off.

Floor area coverage is 1150 sq. ft. each floor which is a little less than 1200 sq. ft. is permitted.

Property is matching the look of surrounding homes.

Improving Impervious coverage

Chairman asks about the number of bedrooms and parking. Mr. Hefele responds that it is only a 2-story building and is 3 bed room as is existing and there are still going to be 2 parking spaces which satisfies the parking requirement for the zone.

Planner - Master Plan makes reference to Borough already being built out and mentions the limited availability of land for new development, and for that reason new development is to take the form of "infill" development.

No questions from the Board

Open to the public:

John Driscoll

50 W. Bertrand Rd

Questions the property size on the illustrations. Those numbers are from GIS software which calculates area and are approximate.

Krista Owen

42 W. Bertrand

States that the Decker's have been planning for a long time and their plans to rebuild will benefit the neighborhood.

Colleen Lyons

Lake Hopatcong Commission

269 Lakeside Blvd.

Notes that the commitment to impervious coverage & silt fence are appreciated.

Mayor Stanzilis

31 Willow St.

States it will be a nice improvement to the neighborhood and thanks the Decker's for considering the run-off and impervious coverage.

Closed to public

Joe Lang asks if they can run the gutters to the rear of the house to have less run-off. Mr. Graham said that there is opportunity to get the roof water to the vegetative areas of the property. They will also look into a rain garden and/or an infiltration system.

Mr. Hefele state they will work on Conditions to the Resolution for the water runoff.

Variations requested:

-D4 - FAR

-Bulk Variations: lot area, width, side yard and combined side yard

-Grading set back from property line

Conditions:

- Engineers work together to create the best and most practical stormwater management.
- Requirement of a maintenance plan for stormwater management plan and filing deed restriction.
- Silt fence
- Any approvals from any outside agencies as stated.

Motion to approve Use and Bulk Variance relief by Rinaldi, second by Lang

Roll Call: Hallowich, Van den Hende, Lang, Rinaldi, Green, Meehan, Karpman

Vote:

In Favor: 7

Opposed: 0

Abstained: 0

Application: Wade R. & Lee Ann Martin

69 N. Bertrand Rd.

Block 51, Lot 10.02

Bulk Variance, FAR Use Variance

Deemed Complete: January 7, 2021

Bernd Hefele Attorney for the Applicant:

Lake front home on an already undersized lot and the Applicant is proposing a 356ft. addition.

Variances are driven by the undersized lot. The reason for this addition is family members and parents that need to live with them and modifications need to take place in order for that to happen.

Mr. Martin is sworn in

Wade Robert Martin and Lee Ann Martin

69 N. Bertrand Rd.

The home is currently a four bedroom 2-story home that is about 1600sq. ft. The proposed addition and extra space is for their parents when they come to stay with them.

Thomas Graham, P.E. licensed professional engineer of Dykstra Walker Design previously sworn in.

Property is located in the RA 7.5 Zone frontage at N. Bertrand Rd, lot is triangular in shape. The lot is 6,208 sq. ft. were 7,500sq ft is required. Lot slopes from road to lake, portions of the property meet criteria for steep slope. Those areas are located along property line and in Mr. Graham's opinion are remnants of original lot development, meaning they are man-made not natural slopes.

Variiances:

-Slopes between 10 & 14.99% they are disturbing 57.1% where 40% is allowed.

-Slopes between 15 & 24.99% they are disturbing 55.3% where 30% is allowed.

Mr. Graham states that while the percentages seem high the actual disturbance is relatively low.

Pre-existing non-conforming conditions:

-Lot area

-Lot width

-Side yard setback

-Combined side yard

-Exceeds lot coverage

This is a 356sq. ft. addition on the road side of the property and raising the first floor to give head room to make lower level of house more useable. They are reconstructing a paver patio and constructing a deck off the back of the house. Reworking access to house from rear yard.

-Front yard - 98.9ft to 83ft. where 25 ft. required

-Side yard - 4.3 ft to 3.2ft. where 10ft. is required

-Combined side yard - 11.4ft. to 10.4ft. where 20ft. is required

-Rear yard - 48.7ft. to 35.8ft. where 20ft is required

-FAR is going from 0.27% to 0.37% where 0.3% is allowed

-Impervious coverage is going from 58.9% to 64.1% where 50% is allowed

Proposed rain garden in the rear yard to mitigate the impervious coverage. 320sq. ft. is the change in impervious coverage. They are creating more surface runoff but it is from the cleanest most possible source, the roof.

Comments to Mr. Clarks report:

Application was submitted to the Lake Hopatcong Commission

Exterior lighting is not excessive

Zoning table needs correction

Detail of driveway and wall to be less than 4ft

Deck over patio change on the plans

Identify roof area that directs to the rain garden, the rain garden is sized to the 320sq. ft change in impervious coverage. Calculations will be revised.

Lake Hopatcong Commission's report:

Steep slope & Impervious coverage increase has been covered in Mr. Graham's testimony.

Chairman questions the gravel walkway along the right side of the property. Is it reflected in the calculations for impervious coverage? Gravel is not impervious and Mr. Graham confirms that they did include the walk way as impervious.

Open to the Public:

No comments

Close to Public

No questions from Board Members

Mr. Hefele introduces the architect, Mr. Kowalski and is sworn in.

Steven Kowalski

9 Tulip St.

Summit, NJ

They are to lift the house up to add additional headroom so they do not have to expand further on to the property.

Living area on the lower level to add a bedroom and handicap bathroom. Raising the house is an expense but will have a limited impact to the property and surrounding neighbors.

Questions from the board

Eric Green, existing has 4 bedrooms and proposed to be 5 bedrooms or 6? Mr. Kowalsky addresses that they are trying to gain an office and extra bedroom upstairs. Mr. Green asks if the marked storage area down stairs that has an egress window and is it intended to be a bedroom? Mr. Kowalsky answers no, it is not.

Dave BaRoss asks if the living area downstairs is factored into the FAR? Mr. Graham confirms that it has been included and that it does conform to building height requirements.

Mr. BaRoss asks if neighbors are ok with the addition. Mr. Hefele states that Mr. Martin has talked to his neighbors.

Chairman asks if there is ample parking for the three houses that share the driveway. Mr. Graham states that the driveway can potentially fit 5 and 6 cars in their area. The two other properties have garages and enough parking for each residence. Mr. Hefele asks Mr. Martin states that they can fit 6 cars, the neighbor next door can fit 2 and other can park 2 cars and 1 in the garage. They have not had any issues with parking thus far and do not foresee any in the future.

Heidi Roldan asks about current square footage to proposed and current bed and bath to proposed bed and bath.

Mr. Martin states that there are 2 bedrooms on 1st and 3 bedrooms on the 2nd floor. There are 3 baths on 2nd, two on first floor. A half bath and full bath in basement area.

Mr. Kowalsky states the house is 1,676 sq. and 2,296sq. ft. is proposed. The storage room in the basement storage area is not a bedroom. It is not a 6 bedroom dwelling as stated on grading plan, it is a 5 bedroom dwelling. The closet in the basement storage area will be removed so that it will not be looked at as a 6th bedroom.

Mr. Lang asks if they can use pervious pavers for patio and walk to reduce the percentage and reduce amount going to the rain garden.

Chairman asks if a drywell can be added. Mr. Graham states that the proper stone can make the difference along with the pervious pavers, a drywell will not be effective in that area.

Mr. Lang suggests to run 6" commercial gutters and liters to redirect water runoff to a more permeable area.

Mr. Clark states that the gravel walkway around edge of property is a pervious surface, they chose to include that in their calculations of impervious coverage. If they remove the gravel walkway from their calculations, it will alter the impervious coverage percentage significantly in their favor.

Chairman asks the Board if they are in agreement to adjourn and carry this Application to the next LUB meeting on February 24, 2021 without further notice. To address new calculations for impervious coverage and other clarifications relating to the FAR and to revise architectural plans.

Mike Selvaggi suggests that Bernd Hefele and/or Tom Graham to reach out to the Lake Hopatcong Commission's Planner.

Ms. Rinaldi, asks for clarification on the Lake Hopatcong commission's letter where it states that the house will be demolished. Tom Graham states that it will be an addition to the existing structure.

Application to be carried to the February 24, 2021 without further Notice.

Motion to adjourn Meeting adjourned 10:29