

BOROUGH OF MOUNT ARLINGTON
LAND USE BOARD MEETING MINUTES
July 24, 2019
7:00 PM

Meeting called to order at 7:04 p.m.

“Pledge of Allegiance to the Flag” recited.

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

Attendance Roll Call: Hallowich, Foley, Driscoll, Van den Hende, Fostle, BaRoss

Absent: Rinaldi, Loughridge, Mayor Stanzilis

Motion for approval of meeting minutes from June, 26, 2019. Motion by Foley second by Fostle

Roll Call: Hallowich, Foley, Van den Hende, Fostle, Driscoll, BaRoss, Motion approved.

Motion to approve Vouchers. Motion by Foley, second by Hallowich.

Roll Call: Hallowich, Foley, Driscoll, Van den Hende, Fostle, BaRoss. Motion approved.

Memorialization of Resolution: Ashdyl Properties, LLC - 113 McGregor. Block 51, Lot 4

Motion by BaRoss, second by Fostle

Roll Call: Hallowich, Foley, Driscoll, Fostle, Van den Hende, BaRoss

Application Carried: Dennis and Colleen Kearney – 37 McGregor Ave. Block 10, Lot 26

- Bulk Variance Relief for Addition and Detached Garage
- Deemed Complete April 26, 2019

Ken Fox was previously sworn in and continues with his testimony. They are replacing the existing 2 level structure with a new 2 ½ story single family home. The updated Plot Plan shows the reduction of the garage from a 2 car to a 1 car garage and shifting the garage to the left of the property and moving it back slightly. These changes knocked down the FAR and eliminated storage space. They also changed the orientation of the roof of the garage. The walkway was reduced in width which reduced the impervious coverage and now continues down to the lake instead of to the deck. The dwelling will be centered as requested by the Board with a 3.3ft side yard setback on each side and which makes it parallel to the property line. The ejector pump will be relocated and is sized adequately to the house and will be incorporated into the final plans. Drainage report of drywell locations was revised adding an additional drywell.

Exhibit A5 – the plot plan of the house with the existing construction and proposed construction.

Exhibit A6 - Display that outlines the building height, drywell details and the placement of the proposed house. The proposed structure has been increased by 7ft in length and 1 foot in width at its widest length. They added two flower beds that will assist in drainage and runoff in the back above the wall.

The max FAR allowed is 28%, they have 13.8 existing and now lowered from 62% to 56.8%.

Max impervious coverage 35%, existing is 41% and proposed 58.1%. Height allowed in this zone is 35ft., proposed is 26.9ft in height which is 8 ft. below required height

Chairman asks about connecting the garage to the main house, Ken Fox replied that there is rock exposed in that area and would make it very difficult to build on the rock or blast the rock. The garage has been reduced to a 16'x22' one (1) car garage and the orientation of the roof has changed to gable towards the front as recommended by the Board and Mr. Valentino.

C Variances have no negative impacts to the neighbor – they moved house to center and align with the property line and added an additional dry well.

D variance for FAR was cut down as far as they could without removing the garage.

The negative criteria are applicable to both the D and C Variances

Owen Bonnet for J. Caldwell & associates – asks if the proposed house conforms to the surrounding homes. Mr. Fox shows pictures of the neighborhood which shows that it is smaller than some and comparable to others giving the fact that the lot is very narrow.

Dave BaRoss asks Tom Lemanowicz if he is satisfied with the drywells. Mr. Lemanowicz states that 1 drywell will store the first 3 inches of rain, there are 3 drywells which will reduce the runoff significantly. Mr. Van den Hende asks the applicant if they had an opportunity to purchase additional property to the left or right of them. Mr. Kearney responds that he was not able to obtain any additional land to the left or right of his property.

Tom Foley asks if there is anything to minimize the walkway which would reduce the impervious coverage. Mr. Fox replied that they can eliminate a good part of the walk way that goes along the entire length of house by entering from the deck instead of the rear of the house. This will eliminate approximately 70ft of concrete which will improve the impervious coverage significantly. 58.1% percent currently and will be reduced to about 53.5%. Mr. Fox also states that they will provide Morris county Soil Conservation on the plans.

Open to the public:

Mr. Valentino is sworn in.

Joseph R. Valentino

521 Intercircle

The Villages, Fla 32162

Mr. Valentino states that he raised 3 children in Mt. Arlington and took a great interest in this municipality and was an attorney for the town and practiced law in Succasunna for about 30 years. Mr. Valentino has concerns about his property which is adjacent to the Applicants. He says he was never approached to sell property and loves his property and would never sell his property. The proposed home will be too close to his property. He states there is no problem as to the size of the structure but asks to center the structure so that it will not be as close to his property line. Eric Valentino states his concerns about the height and questions the dormers. Mr. Fox adds that the dormers are eliminating height by not adding an additional floor. The Applicant is 8ft. below the height variance so the dormers do not create a problem. Eric Valentino suggests concerns that his view will be obstructed and would like the dormers to be eliminated. Mr. Fox responded they are under the allowable height and that a property owner does

not own the view. Mr. Selvaggi states the height has no relevance, applicant is not asking for a height variance, by law...no one has rights to a view. He also has concerns about the additional drywell, he believes it will direct water into his property. Mr. Fox confirms that there is no pressure from an inground drywell and would not be a concern and that drywell will be placed in an area where there is earth not rock so the drywell will function as it should by capturing water so there will be no run off. Eric Valentino request that chimney be moved to opposite side of the house. Mr. Kearney responded that they cannot move the chimney. Mr. Valentino states concerns of construction and access to the property will disrupt his property.

Mr. Van den Hende asks if anyone else in the public has questions

No questions from the public

Closed to the public

Mr. Van den Hende opens to the Board and Applicant

Mr. Fox introduces Colleen Kearney, Mrs. Kearney states that they did contact Mr. Valentino requesting to purchase his property and he denied their request.

Mr. Fox states that they cannot move the chimney to the opposite side of the house.

Mike Selvaggi suggests a temporary construction easement to have access to their property through the Valentino's property during construction. Mr. Valentino would allow a construction easement agreement based on the terms suggested. Mr. Fox states that they will move the house 2ft. farther from the Valentino's property line and submit new plans if the Board approves the Application. If the temporary Construction Easement Agreement is not perfected within the time allowed the Plans remain as is.

Mike Selvaggi states that the issue of centering the house is contingent on negotiating the temporary construction easement agreement. If not successfull the applicant is looking at the setbacks to be 3.3ft if no agreement can be made. If the Agreement is made within the 60 day time period the setback from the neighboring property will be changed to 5.3ft. with access for construction through neighboring property.

Motion to approve by Foley. Second by Hallowich

Roll Call: Hallowich, Foley, Driscoll, Van den Hende, Fostle, BaRoss

Vote:

Yes: 6

No: 0

Abstained: 0

Recess

Application: Lake Hopatcong Yacht Club – 75 N. Bertrand Rd. Block 51, Lots 6 & 7

- Bulk Variance and Use Variances
- Deemed Complete July 2, 2019

Bernd Hefele attorney for Lake Hopatcong Yacht Club gives introduction. The Yacht Club is proposing a historical renovation of the 106 year old building to bring it back to its original design.

They are proposing to add 300 sq. ft on first floor and approximately 100ft. on the second floor totaling approximately 400ft. of additional space.

They will also be modifying the patio adding about 1% of impervious coverage.

Mr. Hefele states that after submitting this application and review by the Borough's Engineer there were a number of non-compliance issues relating to the 2003 Site Plan Application.

Items not completed:

1. Traffic control signage and pavement marking
2. Bulk head repair that was to be made
3. Drainage easement was to be recorded
4. Staircase that to be added to the house for additional access was never built but they do not need the stairs and are asking to have that waived. No need for two accesses.
5. Boat ramp bulk head closure, they cannot close off that ramp as it is the main launch
6. Parking area lights and 6 bollard lights
7. Requirement for stone veneer on the retaining walls. The Yacht Club is a non profit club, this would be very expensive and there will be no benefit, the walls are in good shape.
8. Evergreen trees that need to be replaced
9. Two (2) designated parking spaces for reserved Parking. Only one was marked reserved
10. Onsite parking stalls, they use these spaces for both boats and cars through out the season pending on events. Multipurpose spaces and have it managed well
11. Added two freezers that were not permitted and require a variance
12. Area at waterfront which was a concrete wall, a dock was added a dock that was not permitted

Mr. Hefele explains that the yacht club changes its Commodore every two years and things get overlooked. They will address all items mentioned.

Mr. Hefele introduces the Commodore Brian Murphy who resides at 5 Berkeley Ct., East Hanover, NJ 07936. Since being the Commodore Mr. Murphy saw the need to address the roof which is in bad shape and the railings around it. Members requested that they would like it to be renovated to utilized the space for events.

Exhibit A1- architectural rendering of proposed building.

The Yacht Club Season is Memorial Day to Labor Day and a couple weekends before and after. They have Porch dining, Social Events, Regattas on the weekends. Fireworks and Antique Boat Show that is open to

the public. There is a 175 member limit, they have no plans to increase the membership upon approval of this application. The Yacht Club does not rent out for private events except a once a year event in September for members only. Capacity is 195 inside the building. The major parking issues occur at the boat show and fireworks. They make an effort to accommodate the surrounding neighbors. Vice-Chair Melissa Fostle asks how many spaces for cars when they remove the boats in the parking lot? Mr. Murphy responds that there are 50 spaces for autos and 40 for boats on the docks. Most guests are coming by boats. Only on holiday weekends and events do members park on the streets. No complaints from neighbors in regards to parking. The Notice of Race prior to the Regatta, states the parking rules, and the members have meetings prior to the big events regarding same. No set agreement for overflow parking, the applicant is requesting a variance for parking. They have 90 total spaces 105 is required as per ordinance. The lot across the street is used mainly for boat trailers when there is a regatta and is not used as additional parking space for cars.

Chairman Van den Hende adjourns the meeting as it has gone past the 10:00. Application to be carried to the August 28, 2019 with no further notice.

Motion to Adjourn by Hallowich, Second by Driscoll

all in Favor

Respectfully submitted

Kathy Appleby