

**BOROUGH OF MOUNT ARLINGTON**  
**LAND USE BOARD MEETING MINUTES**  
June 26, 2019  
7:00 PM

Meeting called to order at 7:03 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, BaRoss

Motion for approval of meeting minutes from May 22, 2019. Motion by Foley second by Hallowich  
Roll Call: Hallowich, Foley, Van den Hende, Fostle, Driscoll, BaRoss, Motion approved.

Motion to approve Vouchers. Motion by Driscoll, second by Hallowich.  
Roll Call: Hallowich, Foley, Driscoll, Van den Hende, Fostle, BaRoss. Motion approved.

**Memorialization of Resolution:** 89 N. Bertrand Island Rd., Block 51, Lot 4  
Motion by Hallowich, second by Foley  
Roll Call: Hallowich, Foley, Driscoll, Van den Hende

**Application:** 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, Dennis and Collen Kearney are sworn in.

Mr. Kearney testifies that the house has been in his family since 1956, the house was a summer bungalow purchased from a relative. Mr. Kearney spent his summer’s here with his 8 siblings, their family was a part of the community. Mr. and Mrs. Kearney want to remain a part of the community and live full time in the house. The house needs upgrades and improvements to be able to live comfortably year round.

Ken Fox gives testimony – The intention was to design a home that is modest with upgrades and improvements. The home will be 2 feet closer to the lake and about 2 ft closer to the property line. There is a proposed two car garage with storage space in the attic.

Chairman asks if there was an existing garage, Mr. Fox explained that there were two garages years ago but not on the current survey and are not part of any calculations with the existing impervious coverage, lot coverage or the FAR.

The proposed plan is to create a new basement area. The lakeside portion will be a family/rec room and back portion that will be under grade will be for storage and utilities. Patio is directly below proposed deck on the lakefront side

The home will be 2 ½ stories including loft area on the lake side and 1 ½ stories with loft area from street view. The proposed home will be 21 ft. in width and 55 ft in length. Walk way along the east side of the

property to access deck level on the lake side. The existing small shed on lake side of property is for storage and is one of the variances for multiple accessory structures.

Proposed garage on upper level by the street is requesting a height variance because of the slope of the property. Proposed garage has a 9ft ceiling in the garage for attic space which is included in the FAR. 20 ft. in front of garage for additional parking.

The property is extremely narrow and very steep slope.

**Exhibit A1**-Plot Plan with color added

**Exhibit A2**-Existing footprint of present-day house and the proposed footprint in different shades to show difference.

**Exhibit A3**-photos (1-14)

**Exhibit A4** photos (15-20)

Chairman Van den Hende questions the FAR and impervious coverage and concerns of drainage. Ken Fox mentioned the Drainage plan created by Dykstra Walker that is included in the application. In regards to the garage to reduce impervious coverage they are willing to reduce to a one car garage with attic storage. Existing foundation will not be part of the new structure. The proposed seepage pits are on the drainage plan not on the plot plan. Mr. Lemanowicz explains that the plan issues will be considered as conditions upon approval. In regards to the utility easement, as long as the property owner is not doing anything to endanger the easement it is fine.

4 existing and 9 new C Variances

D variance for FAR

The negative criteria are applicable to both the D and C Variances – the dwelling fits in to the existing neighborhood as the homes to the left are similar and a couple larger to the right and then further down the homes are consistent to the proposed dwelling.

Mr. Lemanowicz states that the retaining wall that is 3 ½ ft. will be supporting a traffic load so that if board approves the applicant will need to submit site specific calculations. Mr. Fox will do a wall calculation when submitting building application.

The applicant is remediating some of the impervious coverage with drywells which capture the roof runoff reducing the percentage of water draining into the lake. There is no run off from street to the property. The driveway is pitched to the street.

Open to the public:

**Joe Polino**

41 McGregor Ave.

approves the proposed addition

**Eric Valentino**

Father owns the lot next to 37 McGregor, he states that the Kearneys have always been good neighbors but have concerns with the additions to the existing home. The set back is only 2 ft. from the vacant property next door which Mr. Valentino's father owns. Mr. Valentino also commented that no plans of the proposed additions had been offered to him for approval prior to this meeting. Mr. Valentino had concerns that the Kearney's proposed construction would stop his family from building on their lot. He also had concerns of the proposed garage and that it will add a significant roof line and obstruct their view from across the street and concerns about hydraulic pressure with digging for drywells.

## **Colleen Lions**

**Lake Hopatcong Commission-** The commission recommends the applicant change the patio to a pervious material. If not at 5,000 sq. ft mark...can the Board request as a condition. Ken Fox said they would revise plans for soil conservation.

## **Closed to the public**

Ken Fox requests an adjournment to go back and address all concerns and make clean copies of all that was discussed and come back to the board for approval.

Board approves the Application to be carried to the July 24, 2019 meeting.

8:38 Break

8:48:45 Continue

**Application:** Ashdyl Properties, Block 10 Lot 36

Bulk and Use Variances

Richard Oller, Esq. with Oller and Breslin, PC attorney for Ashdyl Properties, LLC

Applicant is requesting to demolish existing run down home and to construct a new single family home with attached garage

Some residents did not get noticed as the notice list received from the town did not have those addresses on the list

Law entitles the applicant to rely on the list received from the municipality

Mr. Oller met the Notice requirements and the applicant cannot be held responsible for not noticing the additional residents

Mr. Oller introduces Mr. Lesch owner of Ashdyl Properties, LLC

Jerry Lesch is sworn in

17 Pillar Dr. Rockaway NJ

Mr. Lesch is a Builder, he originally was going to renovate the home to keep the character. The house had been sitting for several years and was 3ft deep in clothes and junk. Mr. Lesch discovered that there was much more structural work needed than expected after removing the junk. He decided it would be best to demolish and rebuild entirely staying as close to original footprint as possible.

Mr. Lesch talked about the boat house that had collapsed and recently been removed. Mr. Lesch's intention is not to rebuild the boat house but to rebuild the dock to enter dock from the property. Mr. Lesch applied for permits from the state and the town to rebuild the dock. Mr. Lesch requested an extra parking space, he spoke with the neighbors at 115 McGregor and they asked if he could continue their wall to make extra space for parking for both residents. With the additional space it would not be over the impervious coverage allowed.

**Open to the Public for comments to the applicant**

Doug Lynch- 111 McGregor asks about safety of the demolition. Mike Selvaggi explains these are not questions for the Board and Mr. Lynch can call the building department regarding the demolition of the house and garage.

**Closed to public**

Fred Stewart is Sworn in  
Fred Stewart  
148 East Main Street  
Rockaway, NJ  
Professional Engineer and Surveyor licensed in NJ

Referring to his plans, the front of property is an existing 2 car garage with small parking area 3.8ft off McGregor Ave.

Home is located approximately in the center of the property, the existing house and garage will be demolished.

The proposed home will have an attached garage with a paved driveway going to the home and walk out deck.

There will be a trench grade to catch surface runoff from driveway and roof liters system will be underground.

There will be 2 drywells and 1 will have a lawn grate. The drywells will mitigate some of the runoff going to the lake.

Sediment control is set in place and the applicant will be applying to Morris county soil conservation.

Mr. Stewart confirms that he impervious coverage calculation allowable is 35% and they are at 34.7%

Mike Selvaggi asks if there would be advantage gained if they did a grass paver in the area for the extra parking spot. Tom Lemanowicz confirms that it would be beneficial for runoff even though they are not over the allowable coverage.

Lot coverage - existing is 1485.9 sq. ft. and proposed 1806.6 sq. ft.

Engineers report – sanitary easement for grinder pump system will remain in place and will be protected during constructed.

**Open to Public:**

Carol Miller from 115 McGregor asks Mr. Stewart about the small wall and walkway to side door of basement. The wall starts at 3.4ft to the ground as grade climbs the wall gets higher 4ft.

Colleen Lyons from Lake Hopatcong Commission asks about the depression on the side between the properties and driveway. The swell/depression will capture runoff through trench grate.

**Closed to public**

Chairman asks what was done to minimized the FAR? The required FAR for the RA15 Zone is 28% and applicant has proposed is 37.7%. Adding the cellar and the covered porch brought the FAR to a higher percentage.

Mr. Oller introduces the Planner

Kate Keller from Phillips, Preiss, Grygiel, Leheny Huges LLC, Planner for the Applicant.

Ms. Keller visited the site, reviewed application and the Mt. Arlington Zoning and Mt. Arlington Master Plan.

The additional floor area will be in the year of the property, the building will appear to be 2 stories from the street and three from the lake. The building has been moved back from the street and the garage will be attached to the house, which will reduce impact on the neighbors. The FAR does also include garage, cellar and covered porch.

Side yard is a hardship where property is undersized. The applicant is keeping consistent with the neighborhood.

The Applicant meets the lot coverage, building height and the impervious coverage.

Mr. Selvaggi asks that the bulk variances are justified under C2 analysis or both, Ms. Keller states that it is both.

#### **Open to the Public for questions to the Planner**

#### **Closed no questions**

Open for any general comments or questions related to the application:

**Peter Panos**, 109 McGregor- asks what is the square footage of the house? 3,189 sq. ft. include cellar without the garage.

#### **Carol miller – 115 McGregor**

States that the proposed home will be 5 ft closer to the lake any if there is any reason why they couldn't move it 5 ft back. Fred Stewart answers from an engineer prospective. If you move it back 5 feet towards the street it will leave less percentage of driveway and reduce parking area. Miss Miller's concerns are that they will have less view of the lake moving the house closer to the lake. The Porch is open so the neighbor will not be fully blocked of her view. It is not a fully blocked surface that will block the view from the first floor and same with the 2<sup>nd</sup> floor.

#### **Closed to Public**

**Motion to Approve C Variance (relief from 4 non-conforming conditions) and D4 FAR Variance Relief.**

Motion by Hallowich, Second by BaRoss

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

**VOTE:**

**IN FAVOR - 6**

**OPPOSED - 0**

**Abstained - 0**

Motion to Adjourn by Foley, Second by Hallowich

**all in Favor**

Respectfully submitted

Kathy Appleby