

ZONING BOARD OF ADJUSTMENT

MINUTES

SEPTEMBER 5, 2013

CALL TO ORDER: This is a regularly scheduled meeting of the Board of Adjustment of the Borough of Franklin Lakes. In compliance with the Open Public Meetings Law, Notification of this Meeting has been sent to our Official Newspapers and Notice has been posted on the bulletin board at the Borough Hall. I direct that this announcement be entered into the Minutes of the meeting.

ROLL CALL:

Present: Mr. DiFlora, Mrs. Gerber, Mr. Messaros, Mr. Bavagnoli, Mr. Toronto,
Mr. Badenhausen, Ms. Schoenberg, Board Attorney Davies,
Board Engineer Tiberi

Absent: Mr. Khoury, Mr. Frankel

ORAL COMMUNICATIONS

There were no oral communications this evening.

OLD BUSINESS

Cal.#2013-8 Application of AB JC Investments, LLC (Applicant) Estate of Frank E. Weidanz & Yvonne M. Weidanz (Owners), 724 Franklin Avenue, Block 1424.01, Lot 2, Use Variance which is in violation of the following Section of the Ordinance:

TYPE REQUIRED EXISTING PROPOSED VARIANCE CODE

Use Variance Multi-Family Dwellings are not permitted in the Residential Zone.
Code Section 300-107

DATE DEEMED COMPLETE: June 4, 2013

DETERMINATION DATE: 10-2-13

Mr. Kasuba, attorney for the applicant, has requested that this application be carried to the October 3, 2013 meeting. Mrs. Gerber made a motion to carry the application to the October 3rd, seconded by Mr. Messaros.

Roll Call Vote

AYES: Mr. DiFlora, Mrs. Gerber, Mr. Badenhausen, Mr. Messaros, Mr. Bavagnoli,
Ms. Schoenberg

NAYS: None

NEW BUSINESS

Cal.#2013-9 Application of Van Orden, 308 Woodside Avenue, Block 2602.07, Lot 4, Dimensional Variances which are in violation of the following Section of the Ordinance:

TYPE REQUIRED EXISTING PROPOSED VARIANCE CODE

Steep Slopes Category 1	Permitted Disturbance 50%		71%	21%	300-132.A(1)
Category 2	Permitted Disturbance 40%		67%	27%	300-132.A(1)
Category 3	Permitted Disturbance 35%		68%	33%	300-132.A.(1)
Roof Ridge Elevation	Max. 129.90	N/A	129.92	.02	300-102
Retaining Wall	Max. 15’/30’	N/A	140’+/-/250+/-		300-121.A.(5)(d)

DATE DEEMED COMPLETE: August 16, 2013

DETERMINATION DATE: 11-4-13

Mr. Van Orden, applicant, was sworn by Mr. Davies. Joseph Mele, the applicant's engineer, of MSA Consulting Engineers, was also sworn. Mr. Mele testified that this is an application for a single family dwelling that would replace the existing dwelling at this address. The proposed dwelling would consist of two stories and an attached garage. Mr. Davies marked the Cover Sheet Location Map as Exhibit A-1. Mr. Mele stated that the property is on the west side of Woodside Avenue across from the elementary school. He described the existing conditions adding that the grades from the street flow downhill toward the back and is somewhat steep in certain areas. The site plan, Sheet 3 of 11, was marked as Exhibit A-3 and shows the layout of the improvements and the bulk zoning table indicates existing nonconformities and proposed variances. The dwelling is now placed parallel to the street and slanted clockwise. There is one driveway access point to the attached garage and a paved turnaround area. The proposed dwelling is located inside the building setback with the in-ground pool located at the rear of the property towards the south. There is a covered deck adjacent to the rear portion of the house and all proposed improvements are within the setback area. He pointed out the retaining wall around the southern portion of the dwelling. Dwelling height does not meet Code by one quarter of an inch and Mr. Mele said that the roof height could be lowered to avoid a variance. He explained the reason for the variance that is required for the linear foot of retaining wall attached to the column in the front yard. It is necessary to place the septic field in the front which necessitated the retaining wall.

Mr. Mele described the conditions shown on the Grading and Drainage Plan. He referred to the limits of disturbance which have been accommodated. The retaining wall had been placed at least 15 ft. away from the property lines; however, in the rear he has attempted to blend the grades into existing grades about 25 ft. to 30 ft. away from the rear property line or the limit of disturbance. Everything drains in the same direction and the applicant wanted to improve the situation by providing a flatter driveway than exists today. Mr. Mele noted that there are five seepage pits in the rear of the property. The area on top of the septic field had to be flattened which has increased the height of the retaining wall to 4 ft. extending around towards the in-ground pool. Ms. Tiberi stated that a wall that is 4 ft. high requires a variance because it is considered a structure within a building setback. Mr. Mele agreed to Boswell Engineering's request to locate the in-ground pool and the patio 2 ft. further away from the property line and to rotate it 90 degrees. Mr. Davies marked the architectural plans as Exhibit A-12.

Ms. Tiberi said that the front of the property is a much better location for the septic and is consistent with what was done by the original developer of the property.

Mr. Mele pointed out the existing steep slopes on the site with the majority flanking both sides of the existing driveway. The applicant is asking for a variance to disturb the three categories of steep slopes because of their location which is necessary in order to accommodate the proposed improvements. These steep slope areas had previously been disturbed and the only area that was never disturbed is a wooded area in the rear. Ms. Tiberi stated that the intent of the steep slope disturbance ordinance is to promote natural steep sloped areas. The steep slopes being disturbed here had previously been disturbed so the Board could determine that no variance is needed because these are not natural steep slopes. Mr. Van Orden distributed pictures of these areas taken on September 5, 2013, which were marked as Exhibit A-13, A-14, A-15 and A-16.

Mr. Mele spoke relative to Sheet 8, Soil Erosion Control Plan, Exhibit A-8, dated June 20, 2013. This plan depicts the area of disturbance, general grading and erosion control. Exhibit A-7: Tree Removal Plan shows two layouts of the site one showing existing trees to be removed and proposed trees. The trees provide a buffer particularly along the front and right side. Ms. Tiberi said that the applicant is proposing six shade trees as part of tree replacement; however, fourteen trees are required. She stated that if the pool is rotated several trees could be saved and Van Orden agreed to this as a condition of approval.

Exhibit A-9 and 11: Construction details shows standard construction details for the site relative to brick pavers, lawn detail and concrete walkway. Exhibit A-10 shows inlet filters, silt fence, sewage disposal system and detention details. Exhibit A-6: Utility Plan shows utility, septic line, gas and electric lines going into the house. There is a long and narrow septic field squeezed between the wall and driveway. The Health Department has an alternate plan dated July 29, 2013, which Mr. Davies marked as Exhibit A-17. This plan shows one tank which allows the system to fit between the driveway and the wall. After some discussion, Mr. Mele said that the wall could be brought in closer to the septic field and grading could be done on the other side. He added that the Health Department offered suggestions for a more efficient septic system. Ms. Tiberi asked the applicant to show the pool equipment and air conditioning units when

he rotates the pool to ensure that it is also 25 ft. from the property line. Mr. Mele added that he will respond to all of the comments contained in Ms. Tiberi's review letter.

A motion was made to open the public portion of the meeting for questions only, all ayes. Joel Rosano, 239 Edgewood Road asked for details on the walls in the front of the house. Mr. Mele stated that the walls are located on the Woodside end flanking the rear of the property. He referred to the plan and showed Mr. Rosano the location of the seepage pits. Mr. Rosano was concerned because there is a water runoff problem on his property. There are a number of seepage pits spread out on the property which the applicant feels is a good plan. Upon questioning relative to height, Mr. Rosano was told that the applicant will stay within the requirement and is not seeking a variance for height. There were no other questions and a motion to close the public portion of the meeting was made, all ayes.

Mr. DiFlora opened the meeting for comments from the public on this application. No one came forward and this portion of the meeting was closed.

Mr. Davies recited the following conditions of approval:

1. Applicant will show the retaining wall to be a maximum of 3.75 feet in height.
2. Applicant will amend the plans to orient the pool so that the long side is parallel to the front property line rather than what is currently shown on the plan.
3. The pool and patio will be placed 27 feet from the side lot line.
4. Applicant will amend the plans to show a 4 foot wide walkway and covered porch to the pool and patio.
5. The building plans will be amended to show the height at a maximum of 39 feet, 6 inches.
6. Applicant will amend the plans to add more contrasting line weights distinguishing the existing structure from the proposed structure on the plans.
7. Applicant will reduce the number of trees to be removed which are outside the permissible removal area from three trees down to two trees.
8. Applicant will amend the plans to show HDP infiltrator piping system in place of the PVC pipe shown on the existing plan dated June 20, 2013.
9. Applicant will amend the plans to show the accurate dimensions of the proposed septic field as 1,500 square feet.
10. Applicant will show the air conditioning and HVAC units located in the recessed northwest portion of the proposed dwelling.
11. Applicant will show the walkway, pool equipment and the pads to be screened by appropriate evergreens.
12. Applicant will amend the plans to add the note that groundwater was found in one of the test pits. Please note which of the test pits contained groundwater.

Mr. Bavagnoli made a motion to approve the application subject to the above conditions. Mrs. Schoenberg seconded the motion.

Roll Call Vote

AYES: Mr. DiFlora, Mrs. Gerber, Mr. Badenhausen, Mr. Messaros, Mr. Bavagnoli,
Mr. Toronto, Mrs. Schoenberg

NAYS: None

MINUTES

The Minutes of August 1, 2013, were presented for approval. Mr. Bavagnoli made a motion to approve the Minutes, as amended. Mrs. Schoenberg seconded the motion.

Roll Call Vote

AYES: Mr. DiFlora, Mr. Messaros, Mr. Bavagnoli, Mr. Badenhausen, Ms. Schoenberg

NAYS: None

VOUCHER

There was no voucher presented this evening.

The meeting was adjourned at 9:36 P.M.