

BOARD OF ADJUSTMENT
MINUTES OF THE MEETING
FEBRUARY 6, 2014

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. Toronto, Mr. Badenhausen, Mr. Frankel, Ms. Schoenberg, Board Attorney Davies, Board Engineer Tiberi
Absent: Mr. Khoury, Mr. Bavagnoli

Mr. Toronto (four years) and Ms. Schoenberg (two years) were sworn in for new terms as Zoning Board Members.

Rescheduling of the 7-3-14 meeting to an alternate date of 7-7-14, 7-8-14 or 7-11-14.

OLD BUSINESS

Cal.#2013-13 Application of Schaefer, 927 Scioto Drive, Block 2101.08, Lot 20, Dimensional Variance, which is in violation of the following Section of the Ordinance:

<u>TYPE</u>	<u>REQUIRED</u>	<u>EXISTING</u>	<u>PROPOSED</u>	<u>VARIANCE</u>	<u>CODE</u>
Fence Height	5'	6'	6'	1'	300-121.F.(1)

DATE DEEMED COMPLETE: October 31, 2013

DETERMINATION DATE: 2-28-14

William Monaghan, 344 Lafayette Avenue, Hawthorne, N.J, attorney for the applicant recalled that at the December 5, 2013 meeting, issues were raised in the engineering report relative to this application. The Board requested revisions in the plans regarding the fence and asked that the applicant re-notice for the existing variance relief. This has been completed and a revised plan was submitted to the Board. The revised plan submitted by Weissman Engineering was dated 12/13/13 and has located the poles in the plastic mesh fence. Variances are requested for an 8 foot high plastic mesh fence where 5 feet is allowed; rear yard setback for the patio of 5.70 feet where 25 feet is required; and a rear yard setback for the pool of 12.45 feet where 25 feet is required. The applicant has obtained written acceptance of the fence encroachment into the neighboring property.

Mr. Davies recited the following condition for approval.:

1. The 4 foot chain link fence with plastic mesh must be black. The plastic mesh is to be supported by poles set in sleeves in the ground with the distance between the poles to be a minimum of 10 feet. The plan must be amended to show the location of the poles.

Mr. Frankel made a motion to approve the application based on the above conditions. Mr. Toronto seconded the motion.

Roll Call Vote

AYES: Mr. DiFlora, Mr. Messaros, Mr. Toronto, Mr. Frankel, Ms. Schoenberg

NAYS: None

NEW BUSINESS

Cal.#2013-16 Application of Karzov, 922 Hilltop Terrace, Block 1404, Lot 3, Dimensional Variances which are in violation of the following Sections of the Ordinance:

TYPE REQUIRED EXISTING PROPOSED VARIANCE CODE

Swimming pools shall not be located in the side yard				300-121.E.(1)	
Existing Stockade fence within the required setback is not permitted				300-121.A.(5)(f)	

DATE DEEMED COMPLETE: December 10, 2013 DETERMINATION DATE: 4-9-14

At this time a motion to carry this application to March 6, 2014 meeting was made by Mr. Frankel, seconded by Ms. Schoenberg.

Roll Call Vote

AYES: Mr. DiFlora, Mrs. Gerber, Mr. Badenhausen, Mr. Messaros, Mr. Toronto,
 Mr. Frankel, Ms. Schoenberg
 NAYS: None

Cal.#2013-11 Application of Keshishian, 100 Delaware Lane, Block 3207, Lot 14, Dimensional Variances which are in violation of the following Sections of the Ordinance:

TYPE REQUIRED EXISTING PROPOSED VARIANCE CODE

Total Coverage	25%	28.58%	38.86%	13.86%	300-102
Side Yard Setback	20'	13.2'	13.2'	6.8'	300-102
Rock Wall in No Disturbance Area					
Side Yard Setback	25'	17.5'	17.5'	7.5'	300-102
Paver Patio					
Rear Yard Setback	20'	18.5'	18.5'	1.5'	300-102
Rock Wall in No Disturbance Area					
Rear Yard Setback	25'	18.4'	18.4'	6.6'	300-102
Waterfall					
Rear Yard Setback	25'	19.8'	19.8'	5.2'	300-102
Pool					
Rear Yard Setback	25'	17.2'	17.2'	7.8'	300-102
Paver Patio					
Playground in No Disturbance Area	20'	3.3'	3.3'	16.7'	300-102

DATE DEEMED COMPLETE: September 20, 2013 DETERMINATION DATE: 1-8-14

Ben Cascio, Route 208, Franklin Lakes, attorney for the applicants introduced himself. He stated that this application would allow for the reconfiguration of the driveway on the property. It is quite difficult to maneuver out of the driveway which is uniquely located at the corner of Vee Drive and Delaware Lane. Because of the impending development of the golf course, this area will become even more congested which raises safety concerns. The applicant is requesting a circular drive from Vee Drive and Delaware Lane.

Martin and Joan Keshishian were sworn by Mr. Davies. Mr. Keshishian described the safety issues involved when backing a vehicle onto Vee Drive and he distributed photos of the area to the Board. The plan entitled "Driveway Plan, Lot 14, Block 3207, Borough of Franklin Lakes, Bergen County, New Jersey", dated May 11, 2013, prepared by Weissman Engineering was marked as Exhibit A-1. The photos were marked as A-2 through A-8 and depict the applicant's driveway as well as the front of the house. The only way to access the house is to park in the driveway because there is no parking on Vee Drive. The photos also show the front of the house and the slope in front. The applicants propose to remove the existing play area.

Thomas Donohue of Donohue Engineering, 110 Warren Avenue, Ho-Ho-Kus, N.J., was sworn by Mr. Davies. Mr. Donohue said that the applicant proposes to construct a circular driveway from Vee Drive to Delaware Lane because at present, the only access to the first floor is from the driveway and walking up a flight of stairs. The property slopes approximately 10 feet in height from Delaware Lane to the first floor of the house. In order to construct the circular driveway, a portion of the septic system would have to be relocated as shown on the plan. The driveway would be widened to approximately 25 feet. A small retaining wall will be constructed adjacent to the driveway for support. Total coverage would be increased from what exists at 28.58% to 38.86%. The existing playground located in the setback area will be removed and replaced with shrubbery. The applicant has offered to remove a portion of the paver area and to reduce the wooden deck by 10 feet on the easterly side.

In order to avoid a 38.86% total coverage, Ms. Tiberi suggested a turnaround bump out which would allow a driver to back out of the drive resulting in less hard surface coverage. She stated that a 6 foot wide solid paver walkway would create a safe access from the driveway to the front door. Mr. Cascio said that this would not alleviate the problem of backing out onto Vee Drive which ultimately makes the property safer. Ms. Tiberi indicated that there are runoff control measures already in place for the driveway along with appropriate piping. Mr. Donohue pointed out that the removal of 260 square feet of the paver patio and 120 square feet of the deck along with a 2 foot reduction in driveway width would only result in total coverage of 37 1/2 %. Ms. Tiberi pointed out that the proposed widening at Vee Drive could be reduced and the existing southeast corner could be shaved to create a smoother transition. In review of a lengthy discussion, Mr. Donohue said that the applicant would agree to remove 765 square feet of total coverage resulting in total coverage of 35.9%.

Mr. Toronto made a motion to approve the application based on a final percentage of total coverage being 36%. Mr. Schoenberg seconded the motion.

Roll Call Vote

AYES: Mr. DiFlora, Mrs. Gerber, Mr. Toronto, Ms. Schoenberg
 NAYS: Mr. Frankel
 ABSTAIN: Mr. Messaros

Cal.#2013-15 Application of Schwab, 884 Hilltop Terrace, Block 1404, Lot 32, Dimensional Variances which are in violation of the following Sections of the Ordinance:

<u>TYPE</u>	<u>REQUIRED</u>	<u>EXISTING</u>	<u>PROPOSED</u>	<u>VARIANCE</u>	<u>CODE</u>
Total Coverage	25%	25.5%	25.5%	.5%	300-102
Side Yard Setback	25'	23.5'	23.5'	1.5%	300-102
Pool					

ZONING BOARD OF ADJUSTMENT MEETING
2-6-14
PAGE 4

Side Yard Setback Patio	25'	19'	19'	6'	300-102
Side Yard Setback Driveway	15'	10'	10'	5'	300-71.D.(4)(j)

DATE DEEMED COMPLETE: December 4, 2013

DETERMINATION DATE: 4-3-14

Ms. Julie Schwab was sworn by Mr. Davies. She stated that she is requesting a variance for a pre-existing pool and patio on her property. In June 2006, she contracted with G&G Pools of Haskell, N.J. to construct a pool and patio at the property. Seven and a half years later, in July 2013, she received a letter from Kris Hasbrouck, the Borough's Tree Specialist. Mr. Hasbrouck stated that her tree bond hadn't been returned because a final as built was never submitted. In November 2013, she submitted an as built survey prepared by Azzolina and Fuery and realized that a variance was necessary. Ms. Schwab stated that the pool does not impede the zone plan of the Borough because this is a very private property, hidden from neighbors and does not interfere with the rights of the various utilities. She added that the existing total coverage is 25.5% where 25% is allowed and she is asking for a variance of .5%. The side yard patio setback violates the Borough ordinance by 6 feet and the side yard setback for the pool violates the ordinance by 1.5%. Ms. Schwab indicated that these variances are both minimal and added that G&G Pools is no longer in business.

Mr. DiFlora noted that there were no neighbors at the meeting to oppose the application. Ms. Tiber suggested that any Hold Harmless Agreement be amended to include the seepage pit, a portion of patio and a portion of the 4 foot perimeter fence all of which are now within the easement. Ms. Schwab said that she remembered a Hold Harmless Agreement and will try to locate a copy and forward it to Mr. Davies in order to make the necessary additions to the document.

Mr. Frankel made a motion to approve the application, seconded by Ms. Schoenberg.

Roll Call Vote

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

NAYS: None

RESOLUTION

Ruffino – This resolution was not memorialized because it was not on the agenda.

Kulick – This resolution was not memorialized because it was not on the agenda.

(FOR SOME REASON PAGE 2 OF THE AGENDA DID NOT PRINT OUT FOR THE BOARD.)

MINUTES

The minutes of December 5, 2013 were presented for approval.

Mrs. Schoenberg made a motion to approve the Minutes, as amended, seconded by Mr. Frankel. (Mr. Frankel should make this motion as he was absent from the meeting).

Roll Call Vote

AYES: Mr. DiFlora, Mr. Messaros, Ms. Schoenberg, Mr. Toronto

NAYS: None

ZONING BOARD OF ADJUSTMENT MEETING

2-6-14

PAGE 5

The minutes of January 8, 2014 were presented for approval. Mrs. Schoenberg made a motion to approve the minutes, seconded by Mr. Frankel. (Mr. Frankel was absent and not eligible to vote here either).

Roll Call Vote

AYES: Mr. DiFlora, Mrs. Gerber, Mr. Messaros, Mr. Toronto, Ms. Schoenberg

NAYS: None

The Meeting was adjourned at 10:20 P.M., on a motion by Mr. Frankel that was seconded by Mrs. Schoenberg.