CALL TO ORDER: Meeting was called to order at 7:00 p.m.

ROLL CALL:
Mr. John Villani
Mr. George Dealaman
Mr. Fernando Castanheira
Mr. Frank Rica
Mr. Donald Huber
Mr. Michael Galbraith
Mr. Foster Cooper (excused)
Mr. Scott Bowen, Alt. #1 (excused)
Mr. Anthony Paolella, Alt. #2 (excused)
Steven Warner, Esq.

ANNOUNCEMENT:
Adequate notice of this meeting has been provided by posting Public Notice on the Municipal Bulletin Board on the main floor of the Municipal Building, sending a copy to the Star Ledger, and filing a copy with the Municipal Clerk, all on January 21, 2020.

FLAG SALUTE:

MINUTES:

The minutes of the January 13, 2020 Reorganization meeting were forwarded to members for review.

Motion to approve was made by Mr. Dealaman, seconded by Mr. Castanheira

Roll Call For: Mr. Villani, Mr. Dealaman, Mr. Galbraith, Mr. Castanheira, Mr. Rica, and Mr. Huber.
Against: None.

COMMUNICATIONS:
None.

PRIVILEGE OF THE FLOOR PORTION OF THE MEETING:

Floor is opened to any member of the public wish to make a statement, which is unrelated to the meeting agenda. Mr. Villani opened the floor for any unrelated items.

Mr. Anthony Patricco came forward from 123 Hillcrest Road came forward and asked about the status of 127 Hillcrest Road, an application, that had been denied. Mr.
Warner stated that it is in litigation, and is in court, and a briefing schedule has been set, it may be a few months before the matter is resolved.

Mr. Patricco asked how to get any information. Mr. Warner said the information could be found at the court house and he could periodically check in with the Board. No one else came forward and this portion of the meeting was closed.

MEMORIALIZATION OF RESOLUTIONS:

None.

AGENDA CASE APPLICATIONS:

CASE BA19-08 Old Church Road Associates LLC
Block 96/lot 20
Major subdivision with variances
Carried from October 7 and November 4, 2019 meetings.

Mr. Warner stated that Mr. Rica will recuse himself from this application. Mr. Warner verified that all five board members present were able to vote. They were and had heard the CD and certified that they are able to vote.

Mr. Frederick Zelley came forward for the attorney on the application. They requested an adjournment and asked to move to the next meeting. There was discussion on listening to testimony and moving the vote to the next meeting but it was decided to carry to March 2, 2020 and an extension was granted by the application.

CASE BA19-10 William & Roula Ioannou
Block 98/lots 9 & 10
Minor subdivision with variances
Carried from November 4, 2019 meeting

Ms. Lisette Guzman came forward as attorney for the applicant. The case had been carried from previous meetings and it is a minor subdivision with FAR, and setback variances, the lots will be conforming in size. The applicant has been working with the township professionals to reduce the FAR. There will be two witnesses, Steve Consindine, the architect, who was previously sworn in. Revised plans were submitted to clerk and the board should have them. An extension of time had been granted to the end of February. The second witness is Mr. Coley, the applicant's professional planner and was already sworn in, as well as Mr. Kastrud, the Township Engineer, and Mr. Chadwick, the Township Planner.

Mr. Consindine went over the update to the rear lot and house. The proposed house was brought down to balance the proposed lots and houses together. The existing house on the new proposed lot would be 29.7% and to balance that out the proposed house (proposed back lot that would face Fairfield) would be a maximum FAR (2037F) or 20.3% FAR. The new plans
were marked as an Exhibit A-2, dated October 5, 2017, page S-1, S-3, S-4, A-1, A-2, A-3, and A-4 were included. The plans were emailed January 24. The proposed house is now is a three-bedroom, one car garage, instead of what was proposed as a four-bedroom, two car garage house. Mr. Warner asked if the applicant stipulates to the dwelling on proposed lot 9.02 would be capped at 2027SF.

Ms. Guzman asked if the board had any questions for the architect. Mr. Castanheira brought up the drainage and grading. Mr. Consindine said they could raise the property so that the runoff would not have an impact on neighboring property, and they could design a drywell.

They went over Mr. Kastrud’s updated memo dated January 3, 2020, review letter number 2. Mr. Kastrud pointed out the rear yard was measured from the back of the house but should have been measured from the back of the deck and it would be approximately 11 ft.

Mr. Chadwick proposed that the variance granted if approved it is only for the deck at 11Ft and not building at 11 ft. Mr. Kastrud spoke about being so close to the Stony Brook and possible wetlands and buffers. There was a letter that was updated November 27, 2017 stating there were no wetlands. Mr. Kastrud suggested getting an updated letter from a wetland expert stating there are no wetland or buffers.

There was still an issue between the plans and the survey on the utilities. The survey datum was not added to the plans as requested. Drainage calculation had just been received that evening. They would still need to be reviewed by Mr. Kastrud.

There is an existing on proposed lot 9.02 and should be removed in the front yard and they stipulated to remove the fence. The bamboo along the front was discussed and it should be removed.

Mr. Kastrud spoke about the flood hazard area and the elevation and without knowing the datum of the survey plans he can’t make any comment on where the lot is compared to the FEMA line. It is shown graphically outside the 100-year flood, but from an elevation standpoint it is not. It would have to be a condition of approval. Mr. Warner suggests that Mr. Kastrud should have that information before the board would make a decision. Mr. Kastrud said there are requirements for building in flood plains.

Mr. Kastrud asked about the riparian buffer and the top of bank, bottom of bank, etc. This had been brought up earlier. The wetland letter is dated November 2017 and the letter stated the current lot 9 is in the X zone and Mr. Ioannou felt it means it is not in a flood zone.

Mr. Kastrud said that it is shown graphically but it still has to have the elevations and cross sections and there is a culvert at Fairfield that is shown on the flood insurance study and there may be additional data and elevations. An engineer should provide the information for the applicant and the surveyor would need to confirm the datum used is the same datum as the FEMA maps.

Mr. Chadwick was concerned with the possible riparian buffer issue. There is no crossing the riparian buffer zone. Mr. Kastrud stated that DEP has some amount of SF but our ordinance
does not. The DEP may have to say you can put a building where grass is even though it has been disturbed.

There was discussion on approving with the condition of DEP approval, and that it may be a problem.

Chris Kastrud mentioned some small discrepancies between the architects plan and the engineering plan/subdivision.

Mr. Kastrud opined they would be perfecting the subdivision by deed and that will be subject to the engineering department review of metes and bounds. There will also be a sight triangle easement that will be filed prior to the subdivision deeds being signed and filed. The minor subdivision should be signed and sealed be a professional land surveyor.

The applicant stipulated to the above items. Ms. Guzman said they would meet the requirements for NJDEP. Mr. Ioannou said they have done as much as they could and the house proposed is as small as you can fit a family into in the 2020s, they don’t need to cut many trees, and they have done as much as they possibly can.

Mr. Chadwick’s report requires the fence is removed from the proposed front yard, and street trees will be required. Mr. Chadwick reminded the applicant that the issue may be a DEP riparian standard. They need to get a wetlands person out and find the top of the bank and show if it does or does not impact the proposed lot. If it does you must get DEP to state it has already been improved and a building can be constructed there. Then the board knows they can go forward.

Mr. Warner stated this issue was in Mr. Kastrud’s report dated October 30, 2019. The chair opened the application to the public for any questions. No one came forward. The application was carried to March 2, 2020 with no further notice and an extension was granted by the applicant through the end of March.

CASE BA19-11 Frank Delgado
Block 70.03 lot 29.01, 4 Mimi Lane
Variance front yard setback and pre existing lot size

Mr. Michael O’Grodnick, of Savo, Schalk, Gillespi, O’Grodnick & Fisher came forward for the applicant. He went over the applicant for a single-family home with pre-existing nonconforming lot area, as well as a proposed front-yard setback. There is an existing single-family home that is in disrepair. It would be torn down and replaced with a custom built home. The lot is in the R-65 and is one acre. The front yard set back required is 75 feet and 59.08 ft. is existing and 59.18 ft. is proposed. Mr. O’Grodnick said there were two witnesses, Paul W. Ferriero, P.E. P.P, engineer and planner for the application, and Jim O’Brien, the architect.

Mr. Warner had reviewed the notice for this hearing and it is sufficient and was timely mailed. The witnesses were all sworn in, including Mr. Kastrud, the Township Engineer, and Mr. Chadwick, the Township Planner.
Mr. Ferriero came forward and gave his credentials and was accepted by the board. He went over the plans that had been submitted to the board dated September 30, 2019. The plans show the demolition plan, existing dwelling, and landscaping. A survey was brought into evidence as Exhibit A-1 prepared by David M. Newton, P.L.S., dated August 7, 2019, highlighting the wetland areas. He brought up the problem with complying the front-yard setback; both the front and rear yard setbacks would only be 50 ft. The size of the dwelling is proportionate to the size of the property and comply with the FAR and lot coverage.

There was discussion on the condition of the road. Traffic is minimal. The street is narrow. The applicant stipulated to documenting the condition of the surface and subsurface area of the portion of Mimi Lane in front of the property by video or another acceptable method, and returning the surface of Mimi Lane post construction to a “smooth surface”, prior to issuance of the certificate of occupancy.

Mr. Kastrud asked about the wetlands and riparian buffer. Mr. Ferriero said there is a watercourse on the western portion of the property and has a 150 ft riparian zone, there is an area of wetlands that comes into the property. It is his opinion that it can be developed as proposed. The wetlands can be filled under a General Permit #6, a wetland consultant has looked at the areas. There are two riparian zone permits under the flood hazard area rules that would apply. The first is a permit by rule, you can meet the requirements and go forward. Permit by certification is a permit that is more involved. An Engineer or a wetlands consultant has to make a certification to the DEP that certain conditions are met and then you can do the activity under the permit certification. A general permit that allow certain thing and requires a more formal application to the DEP, and the highest level of permit is the Individual permit. There are many different permits. Mr. Ferriero believes they can obtain the permit by rule as it is already disturbed areas. A few trees may need to be taken down and the DEP may or may not consider that applicable by the permit by rule. If needed they could submit for a General 6 permit, which allows for construction of a single-family with a disturbance of certain amounts of areas. Also, they will get a permit to fill in the isolated wetlands. This property is not in a floodplain.

Mr. Warner asked if the lot would be considered shallow and it might justify the front yard setback. Mr. Ferriero was accepted as a planner by the board and went into the planning testimony. He did say that the shape of the property is shallow and that generally lots are deeper than they are wide. This lot is not and it creates a hardship.

Mr. Kastrud said the approval of NJDEP could be a condition of the variance approval. All the information is shown on the plans. Mr. Villani asked if there were any questions for this witness. Mr. Chadwick asked about the access of the property. There was discussion about Mimi Lane and that it is narrow. The roadway is unpaved. Mr. Chadwick asks that the roadway be left in a smooth condition. The applicant agreed to document the condition of the roadway before construction is started and return the surface to a smooth surface prior to issuance of a certificate of occupancy.

Mr. Chadwick’s memo from December 17, 2019 was reviewed. A well test is required before occupancy. There was discussion on a lot coverage disclosure and the applicant agreed to it.
Mr. Kastrud went over his report dated January 22, 2020. A signed and sealed survey will be submitted. Mr. Kastrud believes the applicant can obtain the NJDEP permits. Mr. Kastrud stated that many drywells in the area of the property are not functioning. There will be some testing and perhaps there could be a more shallow system. Stormwater management will be reviewed and subject to approval by the Township Engineering department.

Utilities will be underground. The well will be protecting during construction and tested afterward.

The hearing was open to the public for any questions. Ms. Jill Nanfeldt from 46 Lara Place came forward and she is the property closest to the property. There are trees to block the existing home. She asked about the angle of the house and that it points into her home. Mr. Ferriero stated the existing trees that buffer her view now will remain.

Mr. Jim O’Brien, the applicant’s architect, came forward and went over his qualifications and was accepted. He brought in Exhibit A-2, a rendering of the proposed dwelling. The house will have a 3 car garage that faces the front. It is a Mediterranean style house. He went over the floor plans. They designed it to locate it to be able to have a front yard and a back yard, even though the lot is shallow. This will allow landscaping and a nice façade from the street. It is basically a center hall colonial. It is a five-bedroom house with a first-floor master bedroom. There is a basement with 1200 SF finished area and is a walk out basement.

Mr. Chadwick suggested to look at the driveway layout due to the deed restriction of maximum coverage due to possible addition requests to the property, a pool, shed, etc.

Mr. Kastrud asked about the grades and if it would work for a walk out basement. The area that you can walk out is a very small area, not the entire back. There will have to be drainage by that area. About 15% of the dwelling encroaches in the front yard setback.

Mr. Villani asked if there were any question from the board. There were none. Mr. Villani opened the hearing to the public for any statements. Ms. Jill Nanfeldt, from 46 Lara Place, came forward and was sworn in and expressed concern with noise. There is a senior community right next to this property and five bedrooms indicates a lot of kids. The trees will be left between the existing home/proposed home and her home will stay.

Mr. Warner went over the application for a lot area variance, and front yard setback, both bulk variances. The conditions of approval have been stipulated and will be in the resolution. NJDEP permits will be required before any construction. There will be a deed restriction on amount of lot coverage permitted. The board members went into deliberation and were satisfied with the application with conditions.

Motion was made by Mr. Dealaman, seconded by Mr. Huber.

Roll Call

For: Mr. Villani, Mr. Dealaman, Mr. Galbraith, Mr. Castanheira, Mr. Rica, and Mr. Huber.
Against: None.

NEXT MEETING: March 2, 2020

Motion was made by Mr. Dealaman, seconded by Mr. Castanheira to adjourn. All in favor.

MEETING ADJOURNED: 8:40 P.M.