

**TOWNSHIP OF PEQUANNOCK  
BOARD OF ADJUSTMENT**

**APRIL 5, 2012**

**REGULAR MEETING**

Meeting Convened: 7:33 PM

Members Present: Cielusniak, Dolengo, Hebert,  
Imfeld,  
Melleno, Vitcavitch and Way.  
Also present Anthony Wahl,  
Board Attorney, Eileen Banyra,  
Board Planner and David  
Battaglia, Township Engineer.

Members Absent: Bruno, Skvarca

Notice: Vice Chairman Dolengo stated  
that the Sunshine Law had been  
complied with by posting the  
notice of date, time and proposed  
meeting on the bulletin board of  
the Municipal Building on March  
30, 2012 and sending it to the six  
area newspapers, including the  
legal paper on March 30, 2012.

**MINUTES:**

**March 1, 2012**

Motion by Way, second by Hebert  
to approve the minutes as  
submitted. All in favor. Motion  
Carried.

Melleno and Vitcavitch will stand in as full voting members.

Executive Session minutes were carried to the May 3<sup>rd</sup> meeting.

It was 7:35 PM and Team Equipment failed to appear before the Board. After last month's meeting it was agreed upon by Team Equipment's attorney that if there was a signed stipulation of dismissal the matter would be carried for three months and if there was no signed stipulation as agreed upon the Team Equipment matter would be listed on the May meeting agenda for a remand hearing in accordance with Judge Weisenbeck's ruling. No further notice is required. Mr. Wahl stated that on March 3<sup>rd</sup> he sent the proposed stipulation to Mr. Rankin and Mr. Rankin then called Mr. Wahl with his modifications which Mr. Wahl sent back to Mr. R

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Rankin the second week in March. Mr. Rankin informed Mr. Wahl that he forwarded the stipulation to Mr. Morrissey and never heard back from him. Therefore, the matter is carried to May 3<sup>rd</sup> at which time the zoning officer will testify in accordance with the Judge's instruction.

**PUBLIC HEARING:**

**Ference, 11 Caroline Avenue, Block 3307, Lot 3**  
Front Yard Setback, Building Coverage

**William John Ference**, applicant, sworn.

Mr. Ference stated he was improving his property with a modest change to the front of the house and he was before the Board for front yard setback and building coverage. Mr. Ference stated he has a 5,000 square foot lot and he wanted to add a small entryway to the front of the house for safety reasons. Mr. Ference stated the width of the front entryway or porch would be five feet six inches. Mr. Ference stated the house to the left of his house has a front yard setback of ten feet eight inches and he is proposing a front yard setback of twelve feet.

Ms. Banyra stated she did a site inspection and that she observed that the property in question is undersized and that what is proposed is a modest addition that is consistent with the neighborhood. Ms. Banyra stated that 19.1% is what is proposed, which amounts to an additional 127 square feet.

**Motion** to open the meeting to the public. All in favor. Motion Carried.

7:45 PM

**James Joseph Finley, Jr.**, 17 Della Avenue, Pompton Plains, sworn.

Mr. Finley took exception to the amount of building coverage proposed because he said the area is prone to flooding and if the Board allowed the additional building coverage it would increase the flood potential in the area. Mr. Finley stated he gets water in his basement from a storm drain in the road when it rains heavily.

7:49 PM

**Angelo Donato**, 6 Caroline Avenue, Pompton Plains, sworn.

Mr. Donato stated he lives across the street from the applicant and he welcomed the project thinking it will improve the neighborhood. Mr. Donato stated the storm drain previously discussed also impacts his property and he didn't think an improvement on his neighbor's property would increase flooding in the area.

Mr. Way asked the Township Engineer, David Battaglia, if the proposed addition would add any further flooding in the area. Mr. Battaglia stated that because of the

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size of the addition he didn't think there would be any issue with additional flooding and he didn't think the proposal would even require a seepage pit. Mr. Battaglia stated that because of the small increase in square footage if the site was in the flood zone the DEP would not even require a permit.

Ms. Banyra asked the applicant what type of material would be under the proposed deck.

**Richard Trautwein**, Architect for the applicant, sworn.

Mr. Trautwein stated that he prepared the plans and stated that the deck will have nothing impervious below it and that the concrete patio in the back, along with part of the existing driveway, will be removed. Mr. Trautwein stated there will be gravel under the deck.

Mr. Ference stated that right now the building coverage is 18.4% and he is requesting an increase to 19.1%.

Marked as **Exhibit A-1** – Architectural exhibit

**Motion** to close the meeting to the public. All in favor. Motion Carried.

The Board deliberated.

**MOTION** by Way, second by Imfeld to approve the application with the following condition: the zoning table should read existing building coverage of 18.4%. Yes votes from Ceilusniak, Dolengo, Hebert, Imfeld, Melleno, Vitcavitch and Way. Motion Carried.

**287 Boulevard, LLC, 287 Boulevard, Block 1804, Lot 25**  
Use, Site, Bulk

**Frank Regan, Esquire** represented the applicant.

Mr. Regan informed the Board that the applicant is the contract purchaser of the site. There was discussion regarding the checklist and items requested by the applicant to be waived. Ms. Banyra stated the property is an existing site and the original submittal had no building changes or driveway changes until there was a meeting with the applicant's engineer then some changes were suggested by the Township professionals to decrease the impervious coverage by eliminating some of the parking area.

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8:20 PM

**Ms. Banyra and Mr. Battaglia**, sworn.

Ms. Banyra stated that the waivers requested were a Surface Water Management Plan, Soil Erosion and Sediment Control Plan, Environmental Impact Study, Completed Flood Plain application, Morris County Planning Board submission, Traffic Impact Study, Wetlands delineation, Spot Elevations, Proposed contours, Architectural Plans.

The applicant provided Ms. Banyra with a certification that the septic system is pumped annually. Ms. Banyra and Mr. Battaglia recommended the Board grant all the waivers requested by the applicant.

**MOTION** by Way, second by Hebert to grant the waivers requested by the applicant. All in favor. Motion Carried.

Mr. Regan explained to the Board that the applicant wishes to locate his business at the site and the existing use of the site is doctor's office, which was approved in 1954. The applicant proposes to use approximately 70 to 80 percent of the building for business office use. Mr. Wahl explained the 1954 process to the Board and read the minutes of that approval into the record showing that there was a restriction on the approval which stated that the property and buildings would be used for no business purpose other than doctor's office. Mr. Wahl stated that the applicant is asking the Board to grant them the right to have general offices as opposed to limited doctor's offices.

8:30 PM

**Blaze Frances Morris**, 540 Hudson Street, Hackensack, NJ, applicant, sworn.

Mr. Morris stated he is an independent contractor for Staples and they are looking to bring their marketing and sales team to the site. Mr. Morris stated he has 22 employees of which 15 would be situated at the site. Mr. Morris stated the office would be open Monday through Friday from 8 am to 7 pm, one person there 8 am to 9 am and one person there 5 pm to 7 pm. Mr. Morris stated deliveries would be through UPS. Mr. Morris stated he did not intend to make any alterations to the building other than cosmetic. Mr. Morris stated he intends to spruce up the landscaping by taking out some dead landscape and replacing it with new plantings. Mr. Morris stated his business is mainly out of the metropolitan area and that he basically grew out of his last site and needs more room. Mr. Morris states his business is done over the internet. Mr. Wahl asked if he has employees that solicit business. Mr. Morris states he is the solicitor. Mr. Wahl asked the applicant if he intended to use 80 percent of the building then what would the other 20 percent be used for. Mr. Morris stated there is a dentist, an attorney and also a podiatrist located at the site. Mr. Morris is looking to occupy one side of the building and the middle of the building. Ms. Banyra stated the building is 6100 square feet and the

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applicant is looking to occupy 5600 square feet. Mr. Morris stated that this will be his corporate headquarters and he will be moving out of the Hackensack site. Mr. Wahl asked the applicant what he was asking for in terms of the non-general office section. Mr. Morris stated he was just looking to maintain flexibility that if one of the doctors moved out he would have the latitude to allow another doctor in that space.

8:49 PM

**Patrick McClellan**, 11 Furler Street, Totowa, NJ, applicant's engineer, sworn.

Mr. McClellan prepared the site plan. Mr. McClellan stated the property is a little over an acre in the R-15 zone and has an existing one story building with two sources of access from the Boulevard. Mr. McClellan stated the property is very flat and has two storm drains on site that collect storm water runoff one in the rear and one midway of the property which are inlet structures designed to let water perk into the ground. All the properties surrounding the site are in residential zones. Mr. McClellan stated the existing impervious coverage is 62.4% of the site. Mr. McClellan stated there is a six foot high board on board fence along the back of the property and that the property is serviced by a septic system. Mr. McClellan stated he received documentation from the Health Department stating the septic system is satisfactory. Mr. McClellan stated the signs will remain as existing.

Mr. McClellan stated there are two existing variances one for side yard of 13.06 feet, where 15 feet is required and secondly for parking in the front yard.

Mr. McClellan stated they are proposing to reduce the impervious coverage from 62.4 percent to 47.5 percent. Mr. McClellan stated they are proposing a new driveway apron, repair of driveway pavement, stripping of the driveway and one of the drive aisle will be removed. There will be a twenty foot strip along the driveway to be removed reducing impervious coverage. Mr. McClellan stated that 24 percent of all the impervious coverage on the site will be removed. Mr. McClellan stated there will be 40 parking spaces on site.

Mr. McClellan stated there will be significant landscaping around the perimeter of the property to buffer the property, along the northwest corner of the property will be a line of arborvitae and behind the building there will be lawn area and the front yard area will have arborvitae with lower shrubs and flowering bushes. Altogether there will be 87 trees, shrubs and flowering bushes. Mr. McClellan stated there is one dumpster on site and the applicant will screen the dumpster with a board on board six foot fence. Mr. McClellan stated there are new walkways proposed that will start at the street and meander to the front of the building and will come out to the parking area. Mr. McClellan stated he measured the lighting levels and he felt the lighting was sufficient for the type of use on the property.

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Mr. McClellan stated there are two drainage inlets on the site and all the water is directed to those inlets. Mr. McClellan stated the parking spaces are proposed to be 9 by 18. There will be a 24 foot wide driveway aisle and 4 handicap spaces with signage. Mr. Battaglia's report asked the applicant to remove the parking spaces in the front and the applicant asked to keep those spaces as an option for future parking.

Mr. Hebert asked what the required width was for an emergency vehicle. Mr. McClellan stated that was 24 feet. Mr. Dolengo asked the applicant to make their signage smaller. Mr. McClellan stated the sign is 6 feet wide and is surrounded by landscaping so that mitigates the largeness of the sign. Mr. Dolengo had issue with lighting on the site and found the lighting to be intrusive. Mr. McClellan stated he will confirm the lighting levels and will share those with the Board Engineer. Ms. Banyra suggested the applicant shield the light and change the color of the bulb. Mr. McClellan agreed to do that. Mr. Hebert suggested the applicant install a ramp near the doctor's offices. The applicant agreed to install the ramp.

9:21 PM

**Paul Phillips**, 33-41 Newark Street, Hoboken, Planner for the applicant, sworn.

Mr. Phillips stated he inspected the subject premises. Mr. Phillips stated that the property has been used for office use for decades and the proposal to reuse the building for business use would largely continue the development pattern going forward. Mr. Phillips felt that using the building as a business use would lessen the impact on the adjacent properties. Mr. Phillips stated the lot is the largest property in the neighborhood and can accommodate a building as well as accessory parking. Mr. Phillips also stated that the building has a residential feel and that the applicant is not going to change that. Mr. Phillips stated that in his opinion the application is beneficial because the applicant plans to reduce the impervious coverage, remove part of the driveway; screen the refuse area; delineate the parking area, add landscape buffering; add street trees and add decorative walkways.

Mr. Phillips stated that in his opinion approval of this application would not compromise the integrity of the zoning ordinance.

Ms. Banyra asked the applicant to revise his landscaping plan.

**Motion** to open the meeting to the public. All in favor. Motion Carried.

9:34 PM

**Cesar Chavez**, 28 Van Ness Avenue, Pompton Plains, sworn.

Mr. Chavez stated that from his home he could see the parking lot and the light that illuminates the parking lot. Mr. Chavez asked the applicant to put a six foot fence along the side of the property to give him some privacy. Mr. McClellan stated they

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were going to plant six foot high arborvitae in the area to screen the parking lot from the neighbors. Mr. Chavez was concerned about the turnover of people going in and out of the parking lot. Mr. Morris stated the same 15 people will be going and coming on the site, which will be generating less people on site than is there presently. Ms. Banyra stated she will go on site and look at where Mr. Chavez's house is and she felt that the new landscaping will significantly screen his property.

**Motion** to close the meeting to the public. All in favor. Motion Carried.

The Board deliberated.

**MOTION** by Cielusniak, second by Hebert to approve the application with the following conditions: landscape plan subject to the Board Planner and Engineer's review; fence or dense screening along south side of site; light on pole to be approved by the Board Planner and Engineer; handicap accessibility for all areas of the building; Use to be 80% business, 20% doctors office; landscape bond to be placed for two years; handicap signs to be installed; sidewalks to be installed and board on board six foot fence to screen the dumpster area. Yes votes from Cielusniak, Dolengo, Hebert, Imfeld, Melleno, Vitcavitch and Way. Motion Carried.

10:10 PM

**Barbara Ciampa, 14 Lynn Place, Pompton Plains, sworn.**

Front yard setback, building coverage

**Barbara Ciampa, applicant, sworn.**

**Richard Trautwein, 32 Hearle Drive, Pequannock, Architect for the applicant, sworn.**

Mrs. Ciampa stated that her house was flooded during hurricane Irene. Ms. Ciampa stated that after review by the insurance company as well as the town her home was demolished because it was more than 50 percent damaged. Mrs. Ciampa stated her home had to be raised 7 feet 4 inches and she opted to raise it 10 feet therefore allowing her to install a two car garage. Mrs. Ciampa stated she purchased a 1500 square foot modular home to which she has access presently through an inside stairwell through the garage and is asking for a front yard

variance to construct a front porch and building coverage variance because of the 14 by 14 foot deck on the back of the home.

Mr. Battaglia stated that a modular home is designed to be put on a foundation regardless of the height. Mrs. Ciampa stated that there are twelve flow through vents in her foundation. Mr. Battaglia stated that the DEP regulates that you have one square foot of opening per 144 square feet of enclosed area.

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Mr. Wahl stated there is a building coverage of 23 percent where 17 percent is permitted. Mrs. Ciampa stated that the house that she originally had along with the shed was 22 percent building coverage. Mr. Trautwein stated the shed will be removed and the front porch is not built. Ms. Banyra stated that the existing conditions exceed the maximum requirements of the ordinance. Ms. Banyra stated that the footprint of the original house has been reduced by four feet. Ms. Banyra stated that the ordinance changed in the early 90's making the building coverage more restrictive. There was much discussion regarding the stairs in the front yard. Mr. Imfeld asked the applicant to bring her front stairs into conformance with the new ordinance proposed by the town which will be a 25 foot front yard setback for homes being raised in the flood zone. Mr. Trautwein stated that the elements of the two car garage eliminated the possibility of moving the stairs closer to the house. Mr. Way suggested the applicant move her stairs more to the left and run it parallel to the front of the porch. Ms. Banyra stated that when there is an existing foundation and you remove a dwelling you are entitled to the preexisting condition.

The Board deliberated.

**Motion** to open the meeting to the public. All in favor. Motion Carried.

No one came forward from the public.

**Motion** to close the meeting to the public. All in favor. Motion Carried.

**MOTION** by Cielusniak, second by Melleno, to grant the application with the following variances; front yard setback and building coverage. Yes votes from Cielusniak, Dolengo, Hebert, Imfeld, Melleno, Vitcavitch and Way. Motion Carried.

11:10 PM

**Mitchell McCullough, 320 Sunset Road, Pompton Plains, sworn.**

Shed height, Location in side yard

**Mitchell McCullough**, applicant sworn.

**Scott Bleacher**, 31 Club Road, Fairfield, engineer for the applicant, sworn.

Mr. McCullough stated they would like to add a garage to store their antique cars, truck and trailer. Mr. McCullough stated that due to the configuration of the lot and the elevation changes on the property the garage will have to go into the side yard, which requires a variance. Mr. McCullough stated they would like to situate the garage behind the barn and the garage will be 21.5 feet tall which is taller than zoning permits in the area. Mr. McCullough stated that because of the elevation in the area where he proposes to construct the garage the garage will not be seen from the roadway.

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Mr. McCullough stated that the garage will be dark red with white trim and cross buck doors, which will match the look of the existing barn. Mr. Imfeld asked why the applicant needed a 21.5 foot high roofline. Mr. McCullough stated the width of the garage dictated the height of the roof.

Mr. Bleecher stated that the height of the building from the inside is 12 feet height. Mr. Bleecher stated the elevation at the spot where the garage will be built is 98 feet and the elevation of the road is 140 feet. Mr. Imfeld asked if there would be any attic storage in the garage. Mr. Bleecher stated there will be no attic storage. Mr. McCullough stated the doors to the garage will be overhead. Mr. Bleecher stated the applicant will be pulling through the barn to get into the garage. Mr. McCullough stated that he will store vintage cars in the garage therefore he will be installing a heating and air conditioning system. Mr. McCullough stated he will not be doing any major repair work; he will have no lifts in the garage and will store only his vehicles on site.

**Motion** to open the meeting to the public. All in favor. Motion Carried.

No one came forward from the public.

**Motion** to close the meeting to the public. All in favor. Motion Carried.

The Board deliberated.

**MOTION** by Way, second by Imfeld to instruct the attorney to prepare a favorable resolution granting the application. Yes votes from Cielusniak, Dolengo, Hebert, Imfeld, Melleno, Vitcavitch and Way. Motion Carried.

There being no further business motion by Hebert, second by Dolengo to adjourn the meeting at 11:28 PM. All in favor. Motion Carried.

Respectfully submitted,



Linda Zacharenko  
Recording Secretary