

**Borough of Kinnelon**

**Board of Adjustment**

**November 1, 2016**

The regular monthly meeting of the Kinnelon Board of Adjustment was called to order by Chairman John Carpenter at 8:04p.m., Tuesday, November 1, 2016 in the Municipal Building.

It was posted that adequate notice of this meeting had been given in accordance with the Sunshine Law by posting a notice on the municipal bulletin board, by publication of a legal notice in the Suburban Trends on January 2016 and by sending the meeting date to the Daily Record and Herald News on January 2016.

Present and answering roll call were Mr. Carpenter, Mr. Ruocco, Mrs. Canale, Mr. Diani and Mr. Ott. Mrs. Maletsky and Mrs. Minett were absent from this meeting.

Mr. Carpenter asked if everyone would please rise for the Pledge of Allegiance.

A motion to approve the October 4, 2016 minutes was offered by Mr. Ruocco, second by Mr. Diani with the affirmative "yes" vote of all on roll call.

**Application #1445 Mr. & Mrs. Streciwilk, 10 Shirley Terrace.** The applicant is asking for a side yard variance for a detached garage. This application is carried from the October 4, 2016 meeting.

Mr. John Barbarula was the Attorney representing the applicant and mentioned that they are still under oath from the October 4, 2016 meeting.

Mr. Barbarula stated that the board members received a new site plan with the new location of the garage.

Mr. Barbarula asked Mrs. Streciwilk some questions and she testified the following:

Mrs. Streciwilk stated that her lot faces two streets, the lot is 1/3 of an acre, and the neighbor's lots are no more than an acre and are not willing to sell any portion of their property. Mrs. Streciwilk said that there wasn't a need for any lighting on the garage because there was enough lighting from the house to light up the driveway.

Mr. Barbarula stated that some of the impervious coverage will be reduced because six feet will be removed from the driveway and grass and landscaping will go in its place. Mr. Barbarula stated that if the garage was to be 25 feet from the property line that would place it behind the house.

Mrs. Streciwilk stated that the house was purchased 6 ½ years ago and this last part of the project to do.

Mr. Barbarula stated that this was all the testimony he had and asked if the Board had any questions.

Mr. Diani asked if the only change was the site plan because the soffit extends two feet from the building and that's not included in the footprint.

Mr. Diani asked if 4 feet is enough room for maintenance and Mr. Streciwilk said yes.

Mr. Ott asked if the Architect had any other ideas to move the garage or was this it.

Mr. Streciwilk said that his Architect said that this is all we can do or we would have to alter the house.

Mrs. Canale asked if the fencing will remain and Mrs. Streciwilk stated that it was the neighbor's fence.

Mr. Barbarula asked Mr. Streciwilk if 4 feet is enough room to put a ladder up and he said yes.

Mrs. Canale asked if a single or double door was going on the shed and Mrs. Streciwilk said a single door.

Mr. Carpenter then opened the meeting up to the public.

Susan Barie from 8 Shirley Terrace stated that she had no problem with the garage, it will be just as nice as the rest of the house.

Mr. Carpenter stated that if you were to sell the house the next person that moves in might not be so understanding and we need to take that into consideration of how close the garage will be.

Jon Bon-Bartheld from 4 Maria Lane stated that he has been a builder since the 70's and this is the only thing that makes sense and has no problems. He also stated that he did understand one day he might not be the neighbor.

Ellen Flaydermann from 12 Shirley Terrace that she was her to support the Streciwilk's and that they had beautiful taste. She also stated that it would be true to this town and also match the house.

Mr. Carpenter then closed the meeting to the public and opened it back up to the board.

Mr. Diani asked Mrs. Streciwilk if in the application page 1 and 3 were changed and Mrs. Streciwilk stated that it was.

Mr. Barbarula stated that the Streciwilk tried to adapt to the ordinance, purchase land from the neighbors and put the garage somewhere else on the property. Mr. Barbarula stated that this application falls under the Land Use for a classic unique property because it fronts two streets and a strange shape to the property.

Mr. Barbarula testified that the structure of the garage would be six feet from the property line.

A motion to approve this application subject to the Borough Engineer's letter dated 8/30/16 with comments 3, 4, 5 & 6 and the garage 6 feet from the property line was offered by Mr. Diani, second by Mr. Ott with the affirmative "yes" vote of all on roll call.

**Application #1447 Hava Ago, 50A Maple Lake Road.** The applicant is asking for various variances to demolish existing house and rebuild.

A motion to deem this application complete was offered by Mr. Ott, second by Mr. Ruocco with the affirmative "yes" vote of all on roll call.

Mr. Carpenter read the Engineer's report dated September 2, 2016 into the record.

Mr. Bacchetta swore in Hava Ago and George Scott Monro who the Board recognized as an expert witness in the field of Architectural.

Mrs. Ago stated that she wanted to live closer to her kids. She also stated that she was trying to rent out or sell this house but it's in very poor condition and this is why we have decided to rebuild.

Mr. Monro stated that the variance need for this application are the following:

- \*front yard setback to house 19.6 feet

- \*front yard setback to deck 29.4 feet

- \*rear yard setback to house 47.1 feet

- \*left side yard to house 16.6 feet

- \*rear yard to the deck 36.9 feet

Mr. Monro stated that the house will be modest in size, 3 bedrooms, and garage in the front of the home and that the driveway was discussed to be placed in different locations but this is the only place it worked.

Mr. Monro stated that they would comply with items 5, 6, 7 and 8 of the Boroughs Engineers letter.

Mr. Monro stated that since there would be a stone façade he would like to ask for the front yard setback to the house to be changed to 19 feet and the left side yard to the house to 16 feet. The Board had no objections to this.

Mr. Diani stated that regarding comment #4 from the Borough Engineer's letter Health Department approval would be needed for the crawl space and also the septic since the pipes run under the driveway and across the front of the house. Mr. Monro stated that they would do whatever the Health Department required.

Mrs. Canale stated that on drawing A4 there is an exercise room that could be used as a bedroom and Mrs. Ago stated that it will only be a 3 bedroom house.

A motion to approve the application subject to the Borough's Engineers letter comments 2-9 and the changes in the setback was offered by Mr. Ott, second by Mr. Diani with the affirmative "yes" vote of all on roll call.

A motion to approve the bills was offered by Mr. Diani, second by Mr. Ott with the affirmative "yes" vote of all on roll call.

A motion to approve Resolution No. 1452, 1453, and 1450 and adjourn at 9:30 pm was offered by Mr. Ruocco, second by Mr. Ott with affirmative "yes" vote of all on roll call.

Submitted by:

Jennifer Highers  
Board of Adjustment

Cc: All Board Members  
Board Attorney