

Borough of Kinnelon

Planning Board

December 1, 2016

The regular meeting of the Kinnelon Planning Board was called to order by Chairperson Mrs. Roselius 7:36 p.m., Thursday, December 1, 2016 in the Municipal Building.

It was reported 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 in January 2016 and by sending the meeting date to the Daily Record and Herald News.

Present and answering roll call in addition to Mrs. Roselius were Mr. Sisco, Mr. Kline, Mr. Savino, Mrs. Smialek, and Councilman Yago. Mayor Collins, Mr. Carpenter and Mr. Larson were absent for this meeting. Mr. Boorady and Mr. Bacchetta were present at this meeting.

Mrs. Roselius acknowledged the resignation of Mr. Gadhavi and also stated that he was on the Board for 5 years and has enjoyed working with him.

A motion to approve the November 3, 2016 minutes was offered by Mr. Kline, second by Mr. Savino with the affirmative vote of all on roll call. Mr. Yago abstained.

Mrs. Roselius stated that the Zone Committee has met and will continue to meet to discuss the regulations.

Mr. Kline stated that the Environmental Committee went on a hike on Buck Mountain to come up with a town wide trail plan.

Mr. Kline stated that the Open Space Committee met and Morris County has approved the grant application for one million seven hundred thousand to be used towards the purchase of property on Saw Mill Road and Denise Drive. They are also waiting for final approval for a three hundred thousand grant from the Highland Commission.

Mrs. Roselius stated that application #814 Meadtown Cleaners resolution would not be passed because the Landlord did not give permission for the sign and would like channel letters. This applicant will be back before us with a new sign application.

Mrs. Roselius stated that there were a couple changes to the Resolution #815 for the sign at 140 Boonton Ave, Kinnelon Fire Company. The changes that were made are that Kinnelon Fire Company doesn't own the property the Borough of Kinnelon does, Fire Co #2 not #1, Alex is the President of the Fire Corporation and subject to approval from the traffic officer.

A motion to approve the resolution with the changes was offered by Mr. Kline, second by Mr. Savino with the affirmative vote of all on roll call. Mr. Yago and Mr. Sisco abstained.

Application #813 110 Kiel Ave, the applicant is seeking a minor subdivision approval for a lot line change between lots 119 and 118.

Mr. Bacchetta swore in Mrs. Siray Yildiz and Mr. Mark Palus.

The Board recognized Mr. Palus as an expert witness in Engineering and as a Planner.

The Board then went through the Checklist waivers on page 3 of Mr. Boorady's letter dated November 9, 2016 with Mr. Palus.

A motion to grant the waivers was offered by Mr. Kline, second by Mr. Sisco with the affirmative "yes" vote of all on roll call.

Mr. Palus testified that there are two parcels on Kiel Ave across from PRM that are vacant with no principal structures on them. The property has a barn and several out buildings and sheds. Mr. Palus stated that the property used to be a farm and before that was a saw mill. There was a house that was demolished some time ago on the property. Mr. Palus stated that new lots are not being created that we are just moving the line between the two lots. Mr. Palus stated that lot 119 is oversized and lot 118 is undersized, after the lot line is moved both lots will be closer to the zone regulations. Lot 118 would be 68,536 and lot 119 65,340. Mr. Palus stated that a perk test was done on both pieces and there was no water with 8 feet, good soil and no sign of ledge rock. A copy of this was sent to the Health Department for their approval.

Mr. Palus submitted the letter from the Health Department as exhibit A1.

Mr. Palus stated that they would be eliminating two existing Bulk Variances that are part of lot 118 which are lot area and lot frontage. The barn on the property is an existing non conformity with multiple accessory structures that are sheds and are labeled 1, 2, 3 and 4. The Barn and the sheds have been on the property for many years.

Mrs. Roselius asked what the conditions of the shed are and Mrs. Yildiz said that there is a new roof on one. There is no peeling paint and the purpose for shed #4 is where all the firewood is stored.

Mr. Bacchetta stated that if the Board grants the application the Board should also grant the variances for the preexisting structures.

Mr. Palus then went over the Technical Comments from Mr. Boorady's letter.

Mr. Palus has no objections to numbers 1-7 and #8 the applicants will write a letter to the BOE to have the High School Sign moved off the property.

Mr. Bacchetta said that the applicants should write the letter to the BOE stating the Planning Board requested the sign be removed and placed within the schools legal frontage zone. Mr. Bacchetta also said this will not be a condition of approval for the application.

Mr. Palus had no objections to numbers 9-11.

Mr. Bacchetta swore in Mr. Yildiz.

Mr. Yildiz stated that his grandfather had owned the farm and would use the sink and the bathroom instead of running to the house. Mr. Palus stated that there was always a pipe going into the septic and has been there since he was 9 years old. Mr. Yildiz stated that the picture of the barn is also at the Kinnelon Museum.

Mr. Palus asked Mr. Yildiz if he had any ideas of using the barn as a residence or for commercial purposes. Mr. Yildiz said that he uses it to work on his quads and motorcycles and wants to keep it the same way.

Mr. Boorady asked if the barn and the dwelling shared the same septic and Mr. Yildiz said yes.

Mr. Palus stated that he had no objections to numbers 13-21.

Mr. Boorady stated that Mr. Palus should make sure the application was sent to the County because we haven't received a letter from them.

Mr. Palus stated that the driveway has been in existence for many years and some measurements were taken. When the car is put 10 feet behind the curb line the sight distance is 107 feet and when the car is put on the curb line you have a sight distance of 130 feet. Mr. Palus stated that Kiel Ave has a speed limit of 25 mph and you would need 143 feet of stopping distance. Mr. Palus also stated that if we would take the driveway and put it on the other side of the retaining wall there would be more sight distance.

Mr. Palus stated that they would comply with DMC's letter dated November 30, 2016. Mr. Palus also stated that this would be a significant upgrade to the properties as they exist today and based on that alone the applicant is moving closer to compliance with the zone ordinance and master plan.

Mr. Bacchetta stated that the three non-conformities being removed are the side yard setback for shed #4, the lot area for lot 118 and the lot frontage for lot 118.

Mr. Roselius asked what was behind shed #4 and Mr. Yildiz stated woods and the High School.

Mr. Sisco said that the septic system for the barn sends the wrong message for it to be able to be set up for a resident.

Mr. Yildiz stated that this is existing and he isn't going to build a house or anything, just want to keep it the way it is and make it look nice.

Mrs. Roselius stated that the new lot will have two septic systems on it.

Mr. Palus stated that if someone were to convert the barn into a residence that would be a violation of the zoning ordinance.

Mr. Boorady stated that the septic was there for the house that is no longer there and someone just ran a pipe to the septic. Mr. Boorady stated that just because it's there doesn't mean it gets to stay.

Mr. Palus stated that he understands the Boards concern and the applicant has testified that he will not use it for a residence or commercial use.

Mr. Kline suggested maybe a deed restriction running with the land.

Mrs. Roselius asked if the applicant would be agreeable to a deed stating the barn will not be used for commercial or a residences.

Mr. Yildiz said that the barn isn't heated and that there is a shut off switch for the water.

Mr. Kline asked about the drainage easement for the properties.

Mr. Boorady stated that he spoke with Mr. Whitehead and an easement is wanted on the property line. This way nothing can be done to impact the drainage and it's important for this subdivision. Mr. Boorady also stated that this would protect the residence because the Borough will have to maintain the ditch.

Mrs. Roselius then opened the meeting to the Public and hearing no one opened it back up to the Board.

Mr. Bacchetta stated that the application is a minor subdivision to relocate a common line between lots 118 and 119, front yard setback to the barn, rear yard setback to sheds #3 and #4, lot area and 5 checklist waivers.

Mrs. Roselius stated that they have to follow up with Morris County, the deed restriction for the barn and also the drainage easement on the common lot line.

A motion to approve this application was offered by Mr. Kline, second by Mr. Savino with the affirmative "yes" vote of all on roll call.

Mrs. Roselius opened the meeting to the Public and hearing no one opened the meeting back to the Board.

A motion to approve the bills and adjourn at 9:00 pm was offered by Mr. Kline, second by Mr. Savino with the affirmative "yes" vote with all on roll call.

Respectfully submitted,

Jennifer Highers, Secretary

cc: Planning Board Members
Planning Board Attorney
Planning Board Engineer
Borough Clerk
Board of Health

Fire Prevention Bureau
Zoning Official
Construction Official
Environmental Commission
Tax Collector
Assessor
Department of Public Works
Police Department
Morris County Planning Board