

Borough of Kinnelon

Board of Adjustment

February 7, 2017

The regular monthly meeting of the Kinnelon Board of Adjustment was called to order by Chairman John Carpenter at 8:00p.m., Tuesday, February 7, 2017 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 2017 and by sending the meeting date to the Daily Record and Herald News on January 2017.

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

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

A motion to approve the December 6, 2016 and January 10, 2017 minutes was offered by Mr. Diani, second by Mrs. Minett with the affirmative "yes" vote of all on roll call.

Application #1460 Jim and Lauren Canning, 46 Fayson Lakes Road. Applicant is seeking approval for a shed under 100 square feet and is asking for a front and side variance.

Mr. Bacchetta swore in Mr. Jim Canning.

Mr. Canning stated that he has been living here since late July. The house has two bedrooms, no garage or basement. Mr. Canning stated that he thought he couldn't put up a 10X10 without a variance so he put up an 8X10 shed. Mr. Canning also stated that he received a violation letter and is now going through the steps.

Mr. Diani stated that he pointed out to the home owner that the set back dimensions he has he has so stick with those numbers. Mr. Diani also stated that maybe a buffer to help shield the shed from the neighbor and also from the road.

Mrs. Minett stated that its very light in color and you can notice it right away and that maybe it can be painted.

Mr. Canning said that he would change the color.

Mr. Carpenter then opened the meeting to the public.

Mr. Bacchetta swore in Don Ginty from 44 Fayson Lakes Road.

Mr. Ginty stated that he would like the Board to deny this variance. Mr. Ginty stated that it's an eye sore and there is no hardship to have the shed. Mr. Ginty stated that it brings down the value of his house

and it has nothing to do with the neighborhood. Mr. Ginty said that the shed can be put somewhere else within the variances setbacks. Mr. Ginty stated that under Mr. Canning's deck could be closed in and water proofed to use for storage without asking for a variance. Mr. Ginty said he has lived in Kinnelon for over 24 years and can't recall ever seeing a shed 15 feet from the road.

Mr. Canning stated that there are sheds all over the neighborhood.

Mr. Canning also stated that Mr. Ginty's property has a tarp in the yard with all different colored wood underneath it, a clasped dog pen, scaffolds on the house and yard waste 5 feet from the property line.

Mr. Bacchetta asked if the septic was in the front yard and if so would need to be shown on the survey.

Mr. Ott asked if the application was complete and Mr. Bacchetta stated that it was the Board is just asking for more information.

A motion to carry this application to the March meeting so the applicant can provide an as-built with septic and a plan for buffering the shed was offered by Mr. Ott, second by Mrs. Maletsky with the affirmative "yes" vote of all on roll call.

Application #1454 K Dream LLC, 6 Cliff Trail. The application proposes to construct an L-shaped addition, second story addition and front porch. The applicant is asking for various variances.

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

Mr. Carpenter read the Engineer's report dated December 29, 2016 into the record.

Mr. Bacchetta swore in Ms. Karen Castellano-Smith and Mr. Scott Munro. The board recognized Mr. Munro as an expert in the field of architecture.

Testimony from Ms. Karen Castellano-Smith and Mr. Munro consisted of the following;

The house has no garage or basement and will need the shed for storage space. This is a corner lot and has two front yards with setbacks of 50 feet. Mr. Munro stated that the variances needed are front yard to the house of 28.5 feet, front yard to the porch 25.4 feet, rear yard to the house 44.9 feet, rear yard to the AC unit 40 feet side yard to the shed 18.1 feet and rear yard to the shed 4.1 feet.

Mr. Munro stated that the 12 foot addition to the right side, the deck will stay the same and a portion of the deck will be covered. The second floor will have a master bedroom, two bedrooms and a shared bathroom. The front of the house will go with the lake community.

Ms. Castellano-Smith said that the house will be vinyl sided with stone accent, the deck pressure treated and the flue will be removed or the furnace. The shed will be built to match the house.

Mr. Ott asked if the oil tank will be removed and Mr. Munro stated that it would to convert to natural gas and that PSE&G has been contacted already.

Mrs. Munro stated that the flood lights will be removed, the lights will face down and staircase lighting will be installed.

Mrs. Minett asked if the circle driveway in the front will be removed and Mrs. Smith and Mr. Munro stated it would.

Mr. Carpenter then opened the meeting to the public.

Mr. Bacchetta swore in Elizabeth Koch of 3 Cliff Trail.

Ms. Koch stated that trees were cut down last fall without permits and there has been extensive soil disturbance on the property. Ms. Koch also stated that it will improve the look of the house now but is overdone for the neighborhood.

Mr. Carpenter opened the meeting back up to the Board.

A motion to approve the application subject to Mr. Boorady's letter, modification to the lighting and to remove the slab was offered by Mr. Ott, second by Mrs. Maletsky with the affirmative "yes" vote of all on roll call.

Application #1457 Carl Flar, Jr., 6 Daniel Lane. The applicant seeks approval to construct a second story addition and a covered porch. The applicant is asking for various variances.

Mr. Carpenter read the Engineer's report dated January 18, 2017 into the record.

Mr. Bacchetta swore in Mr. Flar and Mr. Stefanelli who was recognized as an expert witness in the field of architecture by the Board.

Mr. Stefanelli testified to Exhibit A1 a photo board of the surrounding houses. Mr. Stefanelli stated that the house was on an undersized lot and is the smallest house in the neighborhood. The second story addition will have 3 bedrooms, 2 baths and an enlarged first floor.

Mr. Flar stated that he will remove the shed to the right of the house and the rear shed will be moved in to conform the 25 foot setback. Mr. Flar also stated that the oil tank will be removed and convert to natural gas.

Mr. Carpenter opened the meeting to the public and hearing no one opened it back up to the Board.

A motion to approve this application subject to Mr. Boorady's letter, the removal of the she and to move the other shed to conform was offered by Mrs. Maletsky, second by Mr. Ott with the affirmative "yes" vote of all on roll call.

A motion to memorialize Resolution No. 1434, Verizon Wireless was offered by Mrs. Maletsky, second by Mrs. Canale with the affirmative "yes" vote of all on roll call.

A motion to pay the bills and adjourn at was offered by Mrs. Maletsky, second by Mr. Ruocco with affirmative "yes" vote of all on roll call.

Submitted by:

Jennifer Highers
Board of Adjustment

Cc: All Board Members
Board Attorney