

In compliance with the Open Public Meetings Act of the State of New Jersey adequate notice of this meeting has been mailed to The Daily Record and posted at the municipal building.

**ROLL CALL:**

**Members Present:** David Koptyra, John Mania, Dan Nelsen, Brian Schaechter, Scott Van Ness, Kim Mott, Howie Weiss

**Members Excused:** Joe Fleischner, Judy Johnson, Nelson Russell, Michael Koroski

**Professionals Attending:** Edward Buzak, Esq., Catherine Natafalusy, Planning Administrator/Secretary

**Professionals Excused:** Chuck McGroarty, Planning Consultant, Eugene Buczynski, Township Engineer, Tiena Cofoni, Esq.

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**APPROVAL OF MINUTES**

**March 20, 2014 Public Meeting**

Motion: John Mania  
Second: Brian Schaechter

**Roll Call:**

David Koptyra - yes  
John Mania - yes  
Dan Nelsen - yes  
Brian Schaechter - yes  
Scott Van Ness - yes  
Kim Mott - yes  
Howie Weiss - yes

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**COMMITTEE REPORTS**

MR. WEISS: Okay committee reports will be quick. Ms. Johnson is not here so there's no Mayor's report; I have nothing from the Mayor. Council Mr. Mania?

MR. MANIA: Just that I attended the dedication of the Brail Trail, what a beautiful setting there we have to thank our Mayor and Givaudan for an excellent job.

MR. WEISS: Yeah I saw some beautiful pictures of it too John.

MR. MANIA: Yes.

MR. WEISS: I suppose in that vein, and I'm not going to give a Mayor's report but maybe you can share the very much happiness that's out there with looking at Mount Playmore, the progress. If you haven't been over there anybody . . . .

MR. MANIA: I go there every day.

MR. WEISS: Go take a peek it's amazing the amount of volunteers we're getting is very impressive. So we'll make sure we pass on those sentiments. Environmental Commission Nelson is not here, Ordinance Committee Joe is not here. Street Naming Committee we have nothing to report, Dave anything from Open Space?

MR. KOPTYRA: No.

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**DEVELOPMENT MATTERS**

**APPLICATION #PB 13-23 – CARMEN CUBA-VERGARA**

MR. WEISS: Okay we have developmental matters to go to. The first one is PB 13-23 Carmen Cuba-Vergara, there was an issue this evening with the notice so they have been withdrawn from the application and we need to dismiss this application without prejudice as action to be taken

tonight. So I suppose what we need to do is make a motion that we were to dismiss this without prejudice and second it.

MR. VAN NESS: I make that motion to dismiss it without prejudice.

MR. MANIA: I'll second.

MR. WEISS: John we'll dismiss this application PB 13-23 without prejudice and they need to come back and Catherine to start a new application. Catherine is that correct?

MS. NATAFALUSY: You're going to have to file a new application if you want to pursue this variance. And they are in violation according to the Construction Code Official so they're going to have to do zoning.

MR. BUZAK: And we're also going to make it clear that they're in violation with regard to the shed and they need to seek a variance for that as well. That wasn't clear in their application.

MR. WEISS: Okay so we have a motion and a second are there any comments? Mr. Buzak do we need to know anything else about that or we pretty clear?

MR. BUZAK: That's it we're ready to go.

MR. WEISS: Okay any comments from the public? Seeing none, Catherine roll call.

MS. NATAFALUSY: David Koptyra - yes  
John Mania - yes  
Dan Nelsen - yes  
Brian Schaechter - yes  
Scott Van Ness - yes  
Kim Mott - yes  
Howie Weiss - yes

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**APPLICATION #PB 14-04 – LOUISE JOHNSON**

MR. WEISS: Our next application of the evening is PB 14-04 Louise Johnson which is a variance request for front and side yard setback for property located at 11 Canfield Street, Block 3403, Lot 2. Ms. Johnson welcome this evening.

MS. JOHNSON: Thank you.

MR. WEISS: What we're going to do first is we'll swear you in, our attorney will swear in so you have a Bible in front of you.

(LOUISE JOHNSON SWORN IN FOR THE RECORD)

MR. BUZAK: Just for the record state your name and address please.

MS. JOHNSON: Louise Johnson 11 Canfield Street, Budd Lake, New Jersey.

MR. WEISS: Okay so thank you for coming this evening Ms. Johnson. We have in front of us we all have copies of your plan and we see that you want to build a wooded deck structure in lieu of a concrete slab that's there now.

MS. JOHNSON: Correct.

MR. WEISS: So we've seen the pictures we have the plans what we're going to ask you tonight is explain to us what you want to do, why you want to do it and we'll ask you a couple of questions. Under the Municipal Land Use Law you have a couple of obligations to make some proofs and we'll see that you give us the testimony that we need. So what we'll do is we'll start this evening by simply again we have the pictures but just for the record why don't you tell us a little bit about your home and what you want to do and the existing conditions.

MS. JOHNSON: Okay right now we have a concrete deck/patio whatever you'd like to call it. It's been dying a slow death and this past winter absolutely killed it. It looks terrible, it's an eyesore and it needs to be replaced. But instead of just replacing it with the same thing which is really ugly and you know has absolutely zero curb appeal we'd like to put a wooded deck across the front of the house.

MR. WEISS: Do you plan on removing the existing concrete slab?

MS. JOHNSON: Yes we do.

MR. WEISS: Okay everyone has seen the pictures right? I couldn't disagree with your summary of what it looks like, dying a slow death. How old is your home?

MS. JOHNSON: I believe it was built in 1948.

MR. WEISS: Would you say that this concrete slab is part of that original?

MS. JOHNSON: Maybe?

MR. WEISS: Maybe is fair enough.

MS. JOHNSON: It's been there a long time.

MR. WEISS: It's been there a long time, it certainly looks that way. Okay everyone has seen the photographs. And so you might be aware that we have a Code local zoning that's in effect in your neighborhood.

MS. JOHNSON: Correct.

MR. WEISS: And so by coming with this application I hope you're aware that your proposed project will exceed the front and side yard setback.

MS. JOHNSON: Correct.

MR. WEISS: Catherine is that the only variance that we're looking at this evening?

MS. NATAFALUSY: Yes. Just for the record the question came up today about the shed but Ms. Johnson got a variance for the shed back in 2007 I believe so that's okay.

MR. WEISS: That came up I looked at the survey and I saw that there was a shed in the very far corner of the property and if we're here to make everything right I wanted to address that shed. I was informed that Ms. Johnson came before the Board of Adjustment years ago and that shed that's on the survey; there's been a variance for that. So we don't have any other issues with the property. So you understand what the problem is is that you are going to exceed the front and side yard setback.

MS. NATAFALUSY: Mr. Chairman this is a preexisting nonconforming structure half of it sits probably within the front yard setback so any improvements to the house requires a variance in the front of the house.

MS. JOHNSON: Exactly. Our house itself is only 19-1/2 feet from the front property line and its 5 feet from the north property line so the house itself is not within the setback requirements.

MR. WEISS: Okay and so you have some preexisting conditions. That makes it very difficult for you to build this structure in accordance to the current standards.

MS. JOHNSON: Correct.

MR. WEISS: Go ahead.

MR. BUZAK: Will the new deck come out to the same extent as the concrete or will it come closer to the road?

MS. JOHNSON: The concrete patio is 6 foot 2 inches from the house; the new deck will come out 7 foot 4 inches that's an extra 14 inches.

MR. BUZAK: Okay thank you.

MR. WEISS: Okay I don't personally think 14 inches is going to make a difference I'm not sure if anybody on the Planning Board . . . it's going to encroach on that setback regardless. I think, we saw a drawing of what it will look like and think we can all agree with Ms. Johnson that it will make a major improvement to what's going to be there. Tell us a little bit about . . . so you did mention that the home that you only have 19 feet to the front and 5 to the side.

MS. JOHNSON: Right.

MR. WEISS: So you have a preexisting condition that makes it kind of difficult as we talked about. It's relatively flat it appears in front of your house?

MS. JOHNSON: Yes there's a slight slope so the north side of the deck the highest height it will be is 38 inches. Where it goes to meet the driveway it will be level with the driveway.

MR. WEISS: I suppose the existing condition kind of meets I think a positive criteria Mr. Buzak does it not?

MR. BUZAK: Yes I think that there's a hardship here because as you pointed out the applicant is unable to meet the current zoning because the house itself irrespective of this application is nonconforming to the zoning ordinance. The concrete deck or the concrete patio has already been there we all have seen pictures of it and while this is going to come out slightly more meaning it's going to be closer to the street, you also are going to have a set of steps as I recall coming down from that deck to the ground level is that correct?

MS. JOHNSON: That's correct.

MR. BUZAK: And will there be a railing all around?

MS. JOHNSON: Yes except on the side by the driveway where it's level with the driveway.

MR. BUZAK: Okay I see that from the sketch here okay.

MR. WEISS: I don't think we've seen the sketch can you pass it down?

MS. NATAFALUSY: I thought I scanned that and sent it. There's two pages I scanned.

MR. WEISS: Sorry. Okay so then I just have one other series of questions for you. Tell me about the neighborhood itself, there's other homes in the area, are the other homes approximately the same age?

MS. JOHNSON: I'm going to say yes most of them are bungalows that were built back in the 1940's, maybe some in the 1950's. Probably most of them are built before 1950 because the majority of the homes are all less than 35 feet from the front property lines. In fact there's two homes on our street that the house itself is 3 or 4 feet from the street so they must be right on the front property line.

MR. WEISS: Sure okay. Do any of these other homes in your neighborhood have decks similar decks and front porches?

MS. JOHNSON: Yes I took a couple of pictures if that helps.

MR. WEISS: If I was to ask you a granting of this variance, would that cause substantial detriment to the neighborhood? Meaning would it be so different than anything else in the neighborhood?

MS. JOHNSON: No the house right behind us has the exact same kind of configuration deck like we'd like to put on just across the front of the house with a set of stairs coming down.

MR. WEISS: I would say that response Mr. Buzak qualified for the negative criteria that the applicant needs to . . .

MR. BUZAK: Yes. If I might ask another question?

MR. WEISS: Please.

MR. BUZAK: On each immediate side of you where are those houses located? Are they further back, are they closer to the road, are they about the same?

MS. JOHNSON: On the north side of us that house is not next to our house. His property is actually on Foothill is his address so his property extends like this and his house is set back over here, ours is over here.

MR. BUZAK: Okay how about the other side?

MS. JOHNSON: And on the other side we have a side yard that's approximately 50 feet and then the other house is kind of in the middle of the their property.

MR. BUZAK: Okay.

MS. NATAFALUSY: They almost have a double lot compared to what most other lots.

MR. WEISS: Yeah it looks like the property is about 13,000 square feet.

MS. NATAFALUSY: Yeah.

MR. WEISS: Okay I don't have another question does anybody on the Planning Board have any other questions? Ms. Johnson do you have anything else you want to add?

MS. JOHNSON: No that's it.

MR. WEISS: Okay that being said if anybody from the Planning Board has any other questions? Seeing none let me open it to the public, is there anybody from the public has any questions? If you have a question then you need to come to the . . . no question okay. All right that being said . . .

MR. VAN NESS: Mr. Chair?

MR. WEISS: Please Mr. Van Ness.

MR. VAN NESS: I'd like to approve a motion for PB 14-04 Louise Johnson for a variance in the front yard and side yard setbacks for the construction of the deck.

MR. NELSEN: Second.

MR. WEISS: Now that being said Mr. Buzak do you have any conditions that you might have noted?

MR. BUZAK: No we'll just have the regular normal conditions which there's no special conditions for this.

MR. WEISS: Okay that being said roll call.

MS. NATAFALUSY: David Koptyra - yes  
John Mania - yes  
Dan Nelsen - yes  
Brian Schaechter - yes  
Scott Van Ness - yes  
Kim Mott - yes  
Howie Weiss - yes

MR. WEISS: So Ms. Johnson here's what happens now. We'll have a resolution drawn up next month . . .

MS. NATAFALUSY: We just have to figure out what meeting next month if we're going to have a meeting on the 12<sup>th</sup> or have it wait for the 19<sup>th</sup>.

MR. WEISS: Yeah but it will be in June.

MS. NATAFALUSY: Yes.

MR. WEISS: As soon as that resolution is delivered you can go get your building permit and start construction whenever you'd like. Thank you.

MR. MANIA: Motion to adjourn.

MR. WEISS: I have no other business on the schedule Mr. Mania you made a motion to adjourn.

MR. MANIA: Yes.

MS. NATAFALUSY: We're going to cancel next Thursday's meeting. The next meeting scheduled is June 12 I do have an extension request from Exeter and there might be another variance application filed if they do we'll have a meeting on the 12<sup>th</sup>. If the variance application is not filed we'll probably just have a meeting on the 19<sup>th</sup> for the Highlands and put Exeter on that night for their extension. So I just wanted to put that on the record no meeting next week.

MR. WEISS: Perfect. Okay we have a motion to adjourn by Mr. Mania, second?

MR. SCHAECHTER: I'll make the second.

MR. WEISS: Brian thank you, all in favor?

EVERYONE: Aye.

MR. WEISS: Good night and thank you for coming out.

(MEETING ADJOURNED AT 7:30 P.M.)

Transcribed by:  
Lauren Perkins, Secretary  
Planning Department