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

ROLL CALL:
Members Present: Joe Fleischner, Henry Fastert, David Koptyra, Nelson Russell, Howie Weiss, Frank Wilpert, Jr., Kim Mott

Members Excused, Brian Schaechter, Robert Greenbaum, John Mania, Dan Nelsen

Members Absent:

Professionals Attending: Tiena Cofoni, Esq., Chuck McGroarty, Planning Consultant, Catherine Natafalusy, Planning Administrator/Secretary

Professionals Excused: Edward Buzak, Esq., Eugene Buczynski, Township Engineer

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APPROVAL OF MINUTES

MR. WEISS: The first item on the agenda is an approval of the minutes of the May 14, 2015 public meeting. We've all had a copy of those. If there's any questions. I see no questions. Someone please make a motion to accept these minutes.

MR. WILPERT: I'll make a motion to accept the Planning Board minutes from May 21, 2015.

MR. WEISS: May 14th.

MR. WILPERT: Oh, 14th. Sorry.

MS. MOTT: I'll second.

MR. WEISS: Kim, thank you very much. Roll call.

Roll Call:

Joe Fleischner	- yes
David Koptyra	- yes
Frank Wilpert	- yes
Kim Mott	- yes
Henry Fastert	- yes
Howie Weiss	- yes

MR. WEISS: Next set of minutes is from May 21, 2015 public meeting. Someone make a motion to approve those minutes?

MR. FLEISCHNER: I'll move that we approve the minutes of May 21, 2015.

MR. WEISS: Joe, thank you.

MR. KOPTYRA: I'll second it.

MR. WEISS: Dave seconded that. I have a question although I wasn't there. I saw that the version that we have is revised.

MRS. NATAFALUSY: It's revised because Debbie typed it and I went through it and made a couple of changes and then I just put revised next to it.

MR. WEISS: Ok. There was nothing added or...

MRS. NATAFALUSY: No.

MR. WEISS: That was her first? Was that her first one that she had transcribed?

MRS. NATAFALUSY: No, she's done a couple. But there was just...

MR. WEISS: I wasn't there so I couldn't tell what was changed.

MRS. NATAFALUSY: Right.

MR. WEISS: Ok. That being said, we have a motion...

MRS. NATAFALUSY: It was changed before I sent it to you. That's what I'm saying.

MR. WEISS: Ok. Got it. Alright. We have...any other questions? Seeing none. Roll call.

Roll Call:

Joe Fleischner	- yes
David Koptyra	- yes
Frank Wilpert	- yes
Kim Mott	- yes

COMMITTEE REPORTS

MR. WEISS: Thank you. We have Committee Reports. The Mayor's not here tonight. John Mania's not here tonight. We don't have a Council report. Nelson is not here. We don't have an Environmental Commission report. Ordinance Committee, Joe anything?

MR. FLEISCHNER: Nothing but I do have a question of Chuck. How many ordinances are left that...we talked about the number needing revision. How many would you guess that we have to work on yet?

MR. MCGROARTY: We're working on now is actually the Land Use Plan and that's going to have a whole trail of ordinances following that to rezone a number of properties. But I think the major cleaning up type of stuff I think is done.

MRS. NATAFALUSY: Yeah that's done.

MR. MCGROARTY: Yeah.

MR. FLEISCHNER: When do you think?

MR. MCGROARTY: Land Use Plan?

MR. FLEISCHNER: Yeah.

MR. MCGROARTY: Well, yeah we thought, we actually thought it was going to be ready sooner than this and you and Howie recall some of the other discussions we've had about some of the changes. More properties keep getting added to it and in fact next week you'll see that there's one for Segal for Village Green. There's a lot line change that we would suggest that we make. But I'm thinking probably it's probably going to be...now we're into August....probably September-October, quite honestly. Which will sort of coincide with the new housing numbers as well we think. But this year certainly.

MR. FLEISCHNER: Ok. I'm just curious.

MR. MCGROARTY: Yeah because every time we think we're sort of at the end it's what other people saying they want us to look at the rezoning (inaudible).

MR. FLEISCHNER: Maybe we just have to draw a line and say on such-a-such-a-date this is it. No more changes. Otherwise it will never get done.

MR. MCGROARTY: Yeah, in some ways it would have been better to wait until the numbers are settled for COAH but (inaudible) Housing, but I guess we don't call it COAH anymore. But we're not going to wait for that.

MR. FLEISCHNER: Ok. Thanks, Chuck.

MR. WEISS: Thanks, Joe. No, no it's fine. That's why we have a Committee Report. I have nothing from Street Naming Committee and Kim you on Open Space?

MS. MOTT: I am. I have nothing.

MR. WEISS: Ok. Alright. Tiena, do you have anything for us tonight?

MS. COFONI: Nope.

MR. WEISS: Chuck anything?

MR. MCGROARTY: No.

MR. WEISS: Catherine, any news?

MRS. NATAFALUSY: No.

MR. WEISS: Anybody have anything? Ok, so therefore we'll go to our lone developmental matter which is PB 14-26, John Stutz, Bulk Variances, Coverage and Side Yard Setback at 7 Harwich Road, Block 6302, Lot 4. This is a continuation of our hearing. We'll just go over my notes. Mr. Lavery on June 18th we had a meeting where we moved it quite long. I show that we had one exhibit. I don't know if you have those notes.

MR. LAVERY: Yes, I do.

MR. WEISS: A-1 which is a packet of the four photographs produced by Eric Snyder. That was the only exhibit that I show that was presented that evening. You might want to confirm or bring us up to speed where you feel we are and then we can start from there.

MR. LAVERY: Sure, Mr. Chairman, again Michael Lavery from the firm of Lavery, Selvaggi, Abromitis and Cohen. I did not have the benefit of being at the last meeting. My partner, Michael Selvaggi covered it for me, obviously. But he did fill me in and I spoke with Mr. Stutz after the meeting and it's our understanding that there was a request by the Board to take a look at redesigning the project so that we can eliminate the bump out, for lack of a better term, to the east of the property. And I understand that there was a neighbor objecting to that. We went back and had the architect take a look at it and redesign the project and that was submitted I believe on July 28 which is also marked as A-1 and that was a drawing by Mr. Lewandowski, our architect, who was sworn and testified at the last meeting. The original issue date on that eighth app was 10/29/14 and that was revised through July 24, 2015. So, the impact of that is we've eliminated the variance to the east side of the property and by doing so we've also reduced, of the six variances I think, for the lack of a better term call them five and six, which are delineated in Mr. McGroarty's report as 3.5 and 3.6 which are max building coverage and max lot coverage. Those have been reduced slightly. So, we've been able to eliminate the one...the side yard with the neighbor who had the objection...and in doing so reduced the lot coverage and the building coverage.

MR. WEISS: Michael, you said something about A-1. I don't believe we're going to refer to A-1.

MR. LAVERY: You know what it is....I'm sorry...A-1 was the pictures. Maybe what we'll do is (inaudible) A-2.

MR. WEISS: I don't even know if we need to mark it because it's part of the application. We won't refer to it as A-1 at all. Ok. Fair enough.

MS. COFONI: I just...if I may...Mr. Chairman. I just want to get the specifics on the changes to the variances. Do you have a report on this? I think I have that.

MR. WEISS: We have Chuck's second report dated August 5th.

MS. COFONI: I do. I'm sorry Chuck. I do have that. Is it in your report, Chuck?

MR. MCGROARTY: Well, it may not be as clear. Mr. Chairman, Mr. Lavery if have no objections I'll just go over what I think are.... As Mr. Lavery just said there have been changes to the building itself. The

unit has been shifted to the rear of the property so that eliminated the side yard variance on the east side of the property as Mr. Lavery had said. The first, I'm on 3.1, there is a variance that we called out on the west side for the chimney and the fireplace last time. As I recall the Board had no particular problem with that and so that's now on the plan. We brought it up during the hearing but that's 3.1. It's a relatively small encroachment in an isolated area on the west side of the property for the chimney. The front yard encroachment, that remains the same as it was last time because the design of the house last time also showed it. So the numbers are there. If you want me to go through them I will.

MR. WEISS: Nope. That's ok.

MR. MCGROARTY: Ok. The side yard encroachment, the swimming pool I believe is a little bit of a change here. The way the design has worked the pool itself is 10 feet from the east side lot line and a minimum distance of 15 feet from the side or rear are required. That may have actually been the same as last time. I think it's perhaps the next variance that changed slightly. Because they reconfigured the footprint of the house, the in-ground pool gets a little cumbersome to describe this but the pool itself will now be within five feet of the deck and because the deck, and this is the new deck, and because the deck is attached to the house it's considered part of the principal structure so it's a...that's a variance. The distance from a principle structure must be ten feet. Building coverage and lot coverage...Mr. Lavery just described....that has gone down (inaudible). So, those 3.5, 3.6 have changed to some degree. As I describe in the report the overall living area in the house with the proposed changes on the second floor is reduced slightly.

MR. FASTERT: Chuck, out of curiosity, the variance for the pool where does the ten feet come from? Most of the other setbacks are obvious because they intrude on neighbors but in terms of the distance from the house why is that ten versus seven versus five?

MR. MCGROARTY: For an accessory...because it's an accessory structure. So, the ordinance is generic in that sense...just as an accessory structure it has to be....Catherine, am I right and Frank would know this as well...so any accessory structure has to under the ordinance be that ten foot distance.

MR. FASTERT: So even though the structure is ground level the same rule applies.

MR. MCGROARTY: It does. And here it's not uncommon to have a deck next to a pool or near a pool so....

MR. FASTERT: Right. Ok.

MR. WEISS: I wonder if it was a safety issue when it was first thought up.

MR. FASTERT: You mean in terms of putting pressure on a basement wall or something?

MR. WEISS: No, even if it was like...let's say a shed...if there was a fire and you walked..

MR. FASTERT: Oh, if a shed...oh absolutely.

MR. WEISS: It's the same concept and perhaps....

MR. FLEISCHNER: It's generic.

MR. WEISS: A swimming pool closer to the house would encourage people to dive off of the house.

MR. MCGROARTY: The pool itself only had in the ordinance has a distance from the side and the rear and that's really to...for privacy from the neighbors, generally.

MR. FASTERT: I was just curious. Thanks.

MS. COFONI: I was trying to see the difference between last time and this time and so what's been removed is the addition that was on the side.

MR. MCGROARTY: What happens is it was proposed as a two...Mr. Lavery can describe this...I don't mean to take his presentation away from him.

MR. LAVERY: That's ok.

MR. MCGROARTY: It was proposed as a two car garage and the bedroom would be behind the garage and what they did was went back and modified not only eliminated the two car garage in favor of leaving the one car garage but they changed the interior as we discussed last time so access to this living unit will be via the garage, the common area of the house....of the principal residence rather.

MR. WEISS: Ok, so it seems like we're all up to speed on what the changes have been so Michael let me give it back over to you. Why don't you testify to exactly what...if there's anything else you wanted to talk about what the changes were made and perhaps why you made the changes.

MR. LAVERY: I think just to sum up is that we heard the Board loud and clear the last time we were here. We heard the objectors, obviously objection to that bump out. We went back, obviously at the expense to my client....reworked the plan, removed that bump out to the east side of the property and shifted around the interior and then came up with the plan that we think addresses the concerns of the Board. And again just as a reminder...I think everybody heard this last time....the addition is being placed on there so that Mr. Stutz's in-laws will be able to move into the property. They're getting older and then the pool is proposed because that's their exercise so would we be in here if it was just Mr. Stutz and his wife? I don't know but I put that in there because it also furthers one of the intense and purposes of Municipal Land Use Law which is creating living space for senior citizens. And again this isn't senior citizen housing but I think it would be everyone's preference to have their parents as they get older live with their children.

MS. COFONI: Am I correct in saying that other than going up a story the proposed addition and improvements aren't going to encroach any further to the east than the existing structure?

MR. LAVERY: Correct.

MS. COFONI: Ok.

MR. WEISS: Will there be any change to that driveway that's there now?

MR. STUTZ: I don't have any plans to unless the Board says I have to but...

MR. WEISS: No, no. I was just curious. So, (inaudible) Mr. Lavery, the Board did have a push back. The neighbors were concerned about the encroachment on the east side. Making this change certainly is a major consolation on your part and we appreciate that effort, Mr. Stutz. At the end of the day, the idea is to preserve the zone plan and make compromises that work best with the community. So, it's a nice change that you made. How much testimony did you have, Michael? Was that...

MR. LAVERY: That's pretty much it unless you had questions for Mr. Stutz. I think you heard all of our planning testimony last time. The architect testified and then we agreed that we could make this change. He went back and made the changes to the drawings with some internal changes to the property as well.

MR. WEISS: I do believe I recall that it was during Mr. Snyder's testimony that the Board didn't really feel that proof was made and that's when Mr. Selvaggi stopped and asked to go back to the drawing board. So, that's what happened, why we're here for those that don't recall what brought us here. Does anybody on the Planning Board have any questions about the changes?

MRS. NATAFALUSY: We were just discussing, because this is a separate...it's not a use variance for a separate unit but it is really a separate unit. We talked about having a deed restriction on the property that it was only a single family residential and cannot be used for anything other than that.

MR. LAVERY: We have no problem with that and it would be the same type of deed restriction you have with (inaudible) housing so whenever we sell it we don't have any intention of ever converting it or selling it as a two family so we have no problem with a deed restriction.

MRS. NATAFALUSY: Ok. So let that be a condition of approval if the Board (inaudible).

MS. COFONI: Yeah, I thought I had that down.

MR. WEISS: I don't show any other conditions of approval.

MS. COFONI: I have some.

MR. WEISS: Ok. We'll add that. We'll come back to that.

MS. COFONI: Ok.

MRS. NATAFALUSY: Thank you.

MR. WEISS: So being that there's no....and Chuck or Catherine...anything else?

MR. MCGROARTY: No, I think they did a nice job. They did a nice job in modifying and to address the concerns.

MR. WEISS: So we did have some concerns last week from the Grants and I see that they're here again. So what I'll do...is let me open it to the public if anybody from the public has any questions or comments or concerns...now will be a good time.

MR. GRANT: No, I have no further questions because...

MR. WEISS: You might want to just...we'll pick you up there Mr. Grant. We'll hear you better from the microphone.

MR. GRANT: Ok. No we don't have any further questions. I think they're all answered. We had the second dwelling unit was a question that we had but that was just taken care of. The property or the building has been moved back to the twelve feet. We're satisfied with that. We're happy.

MR. WEISS: The process worked then.

MR. GRANT: Yes.

MR. WEISS: Perfect. It's always nice to know. Anybody else? Seeing nobody from the public let me close it to the public. And at this point I will seek a.... we'll look to make a motion. And with that motion will be conditions of approval as Tiena will tell us.

MR. WILPERT: I'll make a motion to approve PB

MR. WEISS: Hold on. You know before we do that Frank...

MR. WILPERT: What do you want to do?

MR. WEISS: Otherwise we're going to come back and ask if it's ok to make the change. Let's have Tiena give us the conditions. Make sure that the attorney is approving of those.

MS. COFONI: I have an initial condition, which Chuck I don't know if we still need but I have house must meet definition of a dwelling unit.

MR. MCGROARTY: No, I think we're fine.

MS. CONFONI: I don't think we need that right. I have it has to be a single family dwelling. It can't be a two family dwelling. Plans to be revised to show removal of second door from garage which has been done. Plans to be revised to shift pool to west to eliminate side yard setback for pool. That was done too.

MRS. NATAFALUSY: He still needs it because it's ten feet rather than fifteen.

MR. WILPERT: That's just from the house. Oh, fifteen.

MS. COFONI: No, it's the side yard setback.

MR. WILPERT: Ok, I'm sorry.

MS. COFONI: So he still needs that so I guess you won't be doing that so obviously that's not going to be a condition.

MR. MCGROARTY: That's still a variance condition.

MRS. NATAFALUSY: That's still a variance.

MS. COFONI: Which you have on your list I think.

MR. MCGROARTY: Yes.

MS. COFONI: Plans to be revised to show variance for side yard for chimney. That's been done. Right? Alright. That's all I have.

MR. MCGROARTY: And we just need to....

MRS. NATAFALUSY: And the deed restriction.

MS. COFONI: For the two family versus one family. Yup.

MR. MCGROARTY: And I don't know if it's really I've asked twice for the plans. They really should have a signature block on it and they don't.

MS. COFONI: Ok. Plans to be revised with a signature block.

MR. MCGROARTY: I mean, Mr. Chairman, I did it originally it was to be consistent with the ordinance standards for this per a list of property owners 200'. Key map. I think you can dispense with that but they really, their architect would be best if he puts a signature block on the plans for the Chairman's signature and...

MR. WEISS: That seems pretty simple right, Michael?

MR. LAVERY: Yeah, it's not a problem.

MR. WEISS: That'll keep this consistent. Ok. That being said, Frank I think you were going to make a motion...

MR. WILPERT: Yeah, I'd like to make a motion to approve PB 14-26.

MR. WEISS: Thank you, Frank.

MS. MOTT: I'll send that Howie.

MR. WEISS: Kim, thank you very much. Any conversation? Comments, seeing none. Let's have roll call.

Roll Call:

Joe Fleischner	- yes
David Koptyra	- yes
Frank Wilpert	- yes
Kim Mott	- yes
Henry Fastert	- yes
Howie Weiss	- yes

MR. WEISS: Mr. Stutz, good luck to you.

MR. STUTZ: Thank you, sir.

MR. LAVERY: Thank you very much ladies and gentlemen of the Board.

MR. WEISS: And actually, Mr. and Mrs. Grant, thank you for your input. It's also very helpful when we get constructive feedback from the residents. Ok. Unless anybody else has anything you'd like to chat about, we have time and nothing else on our agenda tonight.

MS. MOTT: That's a record.

MR. WEISS: Hardly a record. Hardly a record but.

MR. FASTERT: I'll move that we adjourn.

MR. WEISS: Thank you, Henry. All in favor?

THE BOARD: Aye.

(MEETING ADJOURNED AT 7:22 P.M.)

Transcribed by:
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