

CALL TO ORDER: Chairman Shivas called the meeting to order at 7:30 p.m.

ROLL CALL: Ms. Raffay, Mayor Rubenstein, Messrs. McElroy, Smith, Walsh, Chairman Shivas
Members Absent: Messrs. Proctor, Morytko, and Serrilli

Also Present: Engineer Cory Stoner, Attorney Andrew Brewer; Ms. Raffay filling in for Secretary

OPENING STATEMENT: Adequate notice of this meeting has been published specifying the time and place in compliance with the provisions of the Open Public Meetings Act.

FLAG SALUTE: led by Chairman Shivas

Mayor Rubenstein noted the Board Secretary is not present tonight. The meeting is being recorded, and he noted for those speaking to make sure they speak into the microphones.

MINUTES: August 1, 2024. Mr. McElroy motioned to approve the minutes, seconded by Mr. Walsh.

Ayes: Ms. Raffay, Messrs. McElroy, Walsh, and Chairman Shivas

Abstaining: Mayor Rubenstein, Mr. Smith

Absent: Messrs. Proctor, Morytko, Serrilli

None opposed. Motion carried.

RESOLUTIONS

Z09-2024, Daniel Scully, 33 Allamuchy Trail, Block 144 Lot 135 and 136, R-5 Zone

Application to construct 3-bedroom dwelling on a property with three front yards

Chairman Shivas noted in the resolution is talks about a rear yard, but it is a side yard. Mr. Stoner said that should also be corrected where it discusses the setbacks. Mr. Walsh motioned to approve the resolution as amended, seconded by Mr. McElroy.

Ayes: Ms. Raffay, Messrs. McElroy, Walsh, and Chairman Shivas

Abstaining: Mayor Rubenstein, Mr. Smith

Absent: Messrs. Proctor, Morytko, Serrilli

None opposed. Motion carried.

SP7-2024, Vincent Dominach, 519 Stanhope Road, Block 343 Lot 4, NC Zone

Application for ramp and roof alterations

Mr. Walsh motioned to approve the resolution, seconded by Mr. McElroy.

Ayes: Ms. Raffay, Messrs. McElroy, Walsh, and Chairman Shivas

Abstaining: Mayor Rubenstein, Mr. Smith

Absent: Messrs. Proctor, Morytko, Serrilli

None opposed. Motion carried.

SP3-2024 Veolia, 8 Mountain Avenue, Block 43 Lot 206.02, R-5 Zone

Application for tank painting and temporary tank set-up

Mr. Walsh motioned to approve the resolution, seconded by Mr. McElroy.

Ayes: Ms. Raffay, Mayor Rubenstein, Messrs. McElroy, Smith, Walsh, and Chairman Shivas

Absent: Messrs. Proctor, Morytko, Serrilli

None opposed. Motion carried.

SP4-2024 Cartridge Actuated Devices (CAD), 40 Old Indian Spring Road, Block 362 Lot 4, Block 226 Lot 8.01, R1 Zone

Application for bringing site into conformance including trailer removal, addition of a new two-story building, and replacement of a building

Mr. Walsh motioned to approve the resolution, seconded by Mr. McElroy.

Ayes: Ms. Raffay, Messrs. McElroy, Smith, Walsh, and Chairman Shivas

Abstaining: Mayor Rubenstein

Absent: Messrs. Proctor, Morytko, Serrilli

None opposed. Motion carried.

Z27-2023 Nicco Brancaccio, 22 Adair Street, Block 17 Lot 19, R-5 Zone

Denial of application for shed in the front yard

Mr. Walsh motioned to approve the resolution, seconded by Mayor Rubenstein.

Ayes: Ms. Raffay, Mayor Rubenstein, Messrs. McElroy, Smith, Walsh, and Chairman Shivas

Absent: Messrs. Proctor, Morytko, Serrilli

None opposed. Motion carried.

NEW BUSINESS

Z13-2024 Shawn Steffens, 99 Lake Drive, Block 249 Lot 89.02, R5 Zone

Application for second story addition and garage addition

Mayor Rubenstein stepped down from this application. Paul Ashworth was sworn in as the architect; he is licensed and his license is in good standing. He was deemed an expert. Shawn Steffens was sworn in as the applicant. He is looking to add a second story to the existing home, and add a garage area for storage, and a recreation room on top of it. Originally he wanted to go from a two-bedroom to three, but the County said the leech field is too small, so he is presenting a two-bedroom home. Chairman Shivas confirmed they won't have a full garage door, just a small door that no vehicles can go through. Mr. Steffens discussed the well with the County. Mr. Ashworth submitted **Exhibit A1**, a colorized version of Sheet A1, showing the current and proposed footprint. Mr. Ashworth reviewed the plan, and its setbacks and variances. He noted there is no basement, and the façade height is compliant. There are two bedrooms and an office space. They are proposing a recreation room. The proposed will match the existing lake community, with browns and greys. The garage door may be changed out for double-doors for recreation equipment. There are vaulted ceilings and no attic space. Chairman Shivas asked if there's a way to level the height so it's not ten feet; the height variance is needed because of the size of the first and second floor. He's not sure why they need that much space. Mr. Steffens said part of the reason is storage, because they won't have an attic. They wanted the first floor to have that height for the garage as well. They also want it to be aesthetically pleasing and have the first floor as an open concept. Mr. McElroy agreed with Chairman Shivas that he'd like to hear reasoning for the height. Mr. Steffens asked about reducing the height of the second story. Mr. Ashworth said he could adjust the heights. Mr. McElroy noted for the west side variance, they're already at zero; on the east side it looks like there's a lot of room. They're exacerbating the setback on the west; why can't this be moved to the east side? Mr. Ashworth noted the addition was shifted; the further it gets shifted in, the roof pitch goes on the trusses. They are load-bearing, and the further it gets moved, the deeper they need to be. Ms. Raffay noted an easement on the property; she asked if they'd need more room because of the additional story.

Mr. Ashworth noted there was a little pad with a shed, which is meant to be demolished. Mr. Steffens said when he moved in in 2011, there was a 10x10 shed that was falling down, so he took it down and put a 5x4 there, but never took the cement pad away. Ms. Raffay asked about how this fits with the neighboring homes. Mr. Ashworth said there are several houses on this road with additions. Mr. Steffens said it's a mix, and he made sure he wouldn't be blocking any views. Down the road there are bigger houses with garages. Ms. Raffay confirmed the setbacks are similar. Chairman Shivas noted landscaping, and the sea wall that covers most of that part of his property. He would like to see additional landscaping for runoff. Mr. Ashworth said they're willing to add landscaping. Chairman Shivas said they should put in a four-foot strip. Ms. Raffay asked about the driveway. Mr. Steffens said they're reducing it; when he moved in, it was changed for the septic. There were stones there making it more like a four-car strip, and in

discussing with the County, they're looking to reduce it to a two-car area. **Exhibit A2** was submitted, showing an email with the County. **Exhibit A3** was submitted, showing a markup of the plan, colored to show the grass areas. **Exhibit A4** was submitted, showing an engineering survey from 2010. Ms. Raffay confirmed they're removing the garage door because of the parking. Mr. Steffens said the goal is indoor storage. The County said it can't be a garage or have a garage door, because it can't be driven on. Mr. Stoner noted regarding the easement, that it is for maintenance to the house. It is noted that no new structure can be constructed in the easement. He confirmed no part of the expansion is in the easement. Mr. Stoner reviewed the variances. He asked what is unique about the property that justifies the variances, and how does it match the houses in the neighborhood. Mr. McElroy said this seems like a big house for the lot that it's on, and it's almost double the building coverage. Mr. Steffens said this is his forever home and community. He also wants the comfort of the space, and doesn't want it to be obnoxious, but rather match the other houses around the lake that are similar in size. Mr. Walsh asked if other designs were considered. Mr. Ashworth said they're following the lines of the existing building, so the issue is the taper of the lot. For hardships, it has a lot to do with the shape and location of the property and house. Mr. Steffens said it was built around 1954. Ms. Raffay confirmed the house on the right is 18-20 feet, and on the left it is around 20 feet. She noted it feels close when looking at the photos. Mr. Steffens noted they were conscious of not blocking views. There is a golf course nearby as well. Mr. Walsh confirmed he is no longer seeking the height variance.

Chairman Shivas opened to the public and no one spoke so he closed to the public.

Mr. Stoner noted he'll need a height certification. Chairman Shivas said they should also negotiate another few feet on the easement to help work on the house. Ms. Raffay said this is an easement for maintenance, so they may need more room for construction. Mr. Stoner said this should be a condition of approval. He asked about the foundation, making sure they won't take the entire house down. Mr. Ashworth said it seems sound so they'd only work on the areas with deterioration. Ms. Raffay confirmed if the foundation is removed they need to come back to the Board. Chairman Shivas confirmed they'll have an as-built drawing. Mr. Steffens will ask for a bigger easement and reduce the height. Mr. Walsh confirmed they need a silt fence for construction.

Mr. Walsh motioned to approve the application with the discussed conditions, seconded by Mr. Smith.

Ayes: Ms. Raffay, Messrs. McElroy, Smith, Walsh, Chairman Shivas

Abstaining: Mayor Rubenstein

Absent: Messrs. Proctor, Morytko, Serrilli

Motion carried. Mr. Brewer explained the appeal period.

Z14-2024 Rupesh Patel (Kyosis LLC), 1 Catalina Drive, Block 337 Lot 9.14, R2 Zone

Application for new home construction

Justin Carloni and Rupesh Patel were sworn in. Mr. Carloni's experience is in architecture. He noted Mr. Kolody is a civil engineer. Chairman Shivas noted Mr. Kolody is not present. Mr. Carloni said he studied at NJIT and worked in Manhattan, and moved into residential work. He worked in Tom's River and Aberdeen. He is not currently licensed in New Jersey; he works with a partner, and has one exam left. Mr. Brewer noted that if he were licensed, he would need to be accepted as an expert. Anyone can be an expert if they have training and expertise that aids the Board in understanding facts, but the Board doesn't need to accept him as an expert if he is not licensed. Chairman Shivas did not accept him as an expert at this time. Mr. Patel said he is from Central Jersey, and wants to live in a suburban area. He has been looking for a unique location and the area is beautiful. The cul-de-sac itself is unique, and the homes are custom and a reasonable size, though not huge. Mr. Carloni said they fit within the context of the need, but their lot is more condensed, so they need a side yard variance. Chairman Shivas asked if they

read the previous approval about the subdivision in this area. Mr. Patel was aware of the subdivision. Chairman Shivas said it was in front of the Board originally and was turned down, and then went to court. The property was eventually subdivided. He noted there is a conservation easement on the property. Mr. Carloni said that's probably why his lot is smaller. They're already not conforming because of the lot itself. Mr. Patel said in designing the home, they considered the easement, which pushed them further back in the lot and required a longer driveway. This increases the disturbance. There is not a full basement. The lot is narrow, so they can't build wide. Mr. Carloni discussed the height. He noted they don't want the garage to be considered a story, but if that needs to be considered as a variance, they'll work with it. Mr. Stoner said it may look like two stories on certain sides, but it is a third story. Mayor Rubenstein confirmed the variance is for stories, not height. Ms. Raffay reviewed the height calculations, and asked if the grade of the garage was accounted for. She asked how many cars can fit in the garages, and if there's a way to not dig out the whole façade to make it a story. Mr. Walsh confirmed it's only three stories on the garage side. Mr. Carloni said he was trying to cut down on variances so he made the roof more shallow. Mr. Patel said there are six potential bedrooms, and two have the possibility of converting to an office. The septic is approved for six bedrooms.

Mr. Patel noted the retaining wall is over four feet. Chairman Shivas said it'll need to be certified by an engineer. Mr. Stoner noted there are retaining walls that go around the back; there is a two-tiered wall to make up the grade. Mr. McElroy confirmed the square footage is close to 7,000 square feet, which is a lot bigger than ones in the area. He noted it could be cut back to get it within the building coverage. It's hard to allow for a house that size. Mr. Patel noted possibly removing a greenhouse. Ms. Raffay said the greenhouse is portable, with no foundation. She doesn't think that would be included in lot disturbance. Mr. Patel said he'd prefer to keep it all there because those items are common in a house of this size. The main reason they're going over is because the driveway is so long. Mr. McElroy said they're going over because of the size of the house. Mr. Stoner doesn't think the side yard needs a variance; with the R2 cluster development it seems to conform. He noted there is likely disturbance either way with the terrain and driveway length. The Board discussed the driveway. Mayor Rubenstein asked how they'll meet the building calculations. Mr. Stoner noted this includes anything disturbed. Mr. Carloni said he made an iteration of the proposal that conforms, which could be reviewed with Mr. Patel, to meet the building envelope. Mr. Patel noted another challenge is that he doesn't have a full basement, which would help with storage. Mr. Stoner said there's a lot of rock on the property. Mr. Carloni said they're not going to be blasting. Mayor Rubenstein said at 10 feet of rock, they'd end up blasting. Ms. Raffay asked if they did any test holes. Mr. Patel said it should have been done with the septic. Ms. Raffay said with the pool and seepage pits that may be a problem. Mr. Carloni said they need the reports to look into that more. Mayor Rubenstein said they should bring the civil engineer. Ms. Raffay noted she doesn't know what she's looking at when it comes to where things are being built. There are no calculations for seepage pits. Chairman Shivas said they need drawings for the walls. Mr. McElroy said if they're shrinking the size of the building coverage, it needs to show what that will look like. Ms. Raffay said there's no patios indicated, and asked about that coverage. There's no walkway back to the pool. They need to see what is being put on the property. Mayor Rubenstein noted the civil drawing doesn't show the patio projection. The columns look close to the septic, and may count towards coverage. Mr. Stoner said they're far enough to the side from the septic, and they form a sort of roof. Mr. Walsh said an engineer should present to help guide what's being reviewed. Mr. Stoner noted the columns need to be shown. Mr. Walsh added walkways should be shown. Mr. Stoner said stormwater calculations should be added. Ms. Raffay said the overflows should also be shown. Chairman Shivas said they should show how many trees will be removed.

Chairman Shivas opened to the public. Richard Mondragon was sworn in. He is one of the yards that face the empty property, and the grade goes up. One of his concerns is if things are clear-cut, he will receive

the runoff since it flows down to his property. Mayor Rubenstein confirmed he is on the side of the proposed driveway. Mr. Mondragon is also concerned about looking at the structure once it's built, and it blocking the light with the proposed size. It doesn't fit for the neighborhood, and is too large.

Eric Martino was sworn in. He noted he didn't have a lot of time to review this because they were notified two days ago, and some people weren't notified at all. He's concerned about the size of the structure. The average houses in the area are between 2,400 and 4,900 square feet. This is going to be close to his pool in the back yard. He built in the area nine years ago and was turned down with the first application to make things smaller. The proposed lot is all ledge-rock. Blasting it could crack the foundations and pools in the area. He had to make his house smaller on the side because they hit ledge rock. The house doesn't fit the criteria of the neighborhood. He is concerned about where the water is going. Mr. Carloni said they won't be blocking any sun. Mr. Patel said there are trees on that side. Chairman Shivas said they don't know how many trees will be removed.

Andrew Hattendorf was sworn in. He is next to Mr. Martino, and goes to the back of the lot. He has no issue other than the building size meets the expectation of the neighborhood. This is going to be quite extensive. The neighborhood is full of wildlife and trees that are important to them, and it's hard to imagine how that won't dramatically change. He wants to make sure the neighborhood maintains the value and feel. There is stone and stucco architecture, and this doesn't seem to fit the mold. If a property doesn't fit in it creates a value issue. Mr. Carlino asked about any covenants; Mr. Brewer said that's the applicant's job to research.

Dan Adams was sworn in. He lives straight back from where the proposed house would be. His main concern is the size and being down hill from it. It would take over the back yard. He wants to make sure it's up to code, and reiterate that it would feel out of place.

Chairman Shivas closed to the public.

Mr. Patel said he understands the issues with size. All the homes are unique. Building a bigger home elevates the value of their homes. Most of the homes in the area don't have a conservation easement and trees in the area. Their homes are closer to the roadway. They're trying to work around the issues. Ms. Raffay said their engineer should speak about this. Mr. Carloni said people's concerns are that it's big, but that brings value and adds it to their homes. Mr. McElroy said value is not a reason for the application; it can't be considered. Mr. Patel said he can't build much of a basement either. Ms. Raffay said that happens in a lot of places. Mr. Patel said he wants to have that storage space. Chairman Shivas asked how long it'd take to get an engineer to attend. Mayor Rubenstein confirmed Mr. Patel is planning to live in the house.

Mr. McElroy motioned to carry the application to 09/19 without further notice, seconded by Mr. Walsh.

Ayes: Ms. Raffay, Mayor Rubenstein, Messrs. McElroy, Smith, Walsh, Chairman Shivas

Absent: Messrs. Proctor, Morytko, Serrilli

Motion carried. Chairman Shivas announced that if this application needs to be carried from 09/19, they will announce it, but new noticing is not required.

SP8-2024 North Shore Water Association, 28 Allamuchy Trail, Block 148 Lot 168, R5 Zone

Application for new sanitary system for PFAS treatment, including lot subdivision and preliminary and final site plan

Ursula Leo from Laddey, Clark, and Ryan represented the applicant. This application has to do with PFAS and a new water treatment facility. They are seeking preliminary and final amended site plan approval, a lot line adjustment, and because it's an existing home, a use variance for two principal

buildings on the lot. Mayor Rubenstein stepped down from this application, as it has a D variance. Michael McAloon was sworn in at Suburban Consulting Engineers, and has worked there for over 10 years. He is an engineer; he is familiar with this project and has overseen its design. He has presented in Byram and Andover on wastewater projects. He was deemed an expert.

Mr. McAloon reviewed the site. They determined that the site was absent of features under DEP regulation. There are 35 water service connections which serve around 105 people. This is phase two of the program; phase one is replacing the water mains. Mr. Walsh confirmed the 105 is the population, and the homes are 35. The existing system is impacted by an emerging contaminant, perfluorooctanesulfonic acid (PFOS), which is part of the group of substances known as PFAS. This system has received the maximum contaminant levels since quarter 4 of 2021. The DEP issued a consent order, which is a legal agreement outlining the necessary improvements to restore drinking water quality. Their implementation date is December 31 of 2024. Ms. Leo confirmed the Association doesn't have an option—they have to upgrade their system. Mr. McAloon said currently the existing water treatment system is in a structure beneath an existing shed. The equipment has exceeded its usable life.

Mr. McAloon reviewed the plans. The control panel is in poor condition, and the facility doesn't conform to DEP standards. There is no emergency power. The below-grade portion is considered a confined space. The proposed equipment can't be accommodated within the existing footprint. There's not enough room on the main level of the shed, so they're proposing to build an at-grade facility for the equipment. With agreements from the owner of 28 Allamuchy, they obtained an easement, and the two lots for the facility will be merged at the end of the project. Mr. McAloon reviewed the floor plan and treatment system. Chemical deliveries will be operated through container transfers, so personnel will bring in drums of material. There are emergency eyewash bottles nearby. The storage is proposed to be a minimum of 10 times the pumping capacity, in the event of a power failure. There will also be an analyzer to make sure potable drinking water is provided. This requires new electrical service. He reviewed the elevation view. The site slopes from back to front. The exterior will be vinyl siding with an asphalt shingle roof, with neutral colors. This is an un-manned facility, which will be visited daily or weekly by maintenance personnel, and as needed, laboratory personnel for sampling. There will be no dedicated parking on site. Visiting personnel will park as close as possible to the facility. They anticipate that there will need to be a replacement annually depending on water quality. A larger utility truck will be needed for this. They're proposing a diesel generator so there will be diesel deliveries in a similar size vehicle. Mr. McElroy asked the types of vehicles used for construction. Mr. McAloon said a mini-excavator will be sufficient. The contractor will have larger deliveries, but should be satisfied with a tri-axel straight truck. They anticipate minimal trash, but can be disposed of by personnel. There is one exterior wall-mounted light for site lighting for maintenance. This will only be used when accessing the generator. They are proposing four trees, which will be planted when the project is completed. These include three swamp white oaks and one northern white oak. With their agreement with 28 Allamuchy, they asked for a split-rail fence along the property line. The generator will be equipped with a noise-reducing enclosure. Ms. Leo confirmed a generator is required. Chairman Shivas asked if the generator tests itself. Mr. McAloon said they are committed to running it only during the day on a monthly basis. Ms. Raffay asked about the dry well. Mr. McAloon said an analyzer has a small amount of water that's used. There's no septic on site and no sanitary sewers on the street, so they will discharge the water through the drywell. Ms. Raffay asked if the size is needed. Mr. McAloon said they're being overly conservative, knowing there's rock out there. Ms. Raffay confirmed it is clean, potable water that goes through there.

Chairman Shivas opened to the public and no one spoke so he closed to the public.

Alexandra Handal was sworn in as an engineer and planner. Her licenses are in good standing. She has testified in West Caldwell, Montclair, and Florham Park. She reviewed the variances. The proposed facility will be relocated to the southern corner, within an easement. The design will mimic the area and blend in. Minimal earthwork and grading is needed. A D variance is needed for two principal structures. They need a PFAS removal system and an emergency generator. This project serves the public good, so it is inherently beneficial. There is an existing well. Moving the facility closer to the well is more effective and produces the least impact to the surrounding developments. There's a smaller building footprint. This project conforms with the Master Plan. The existing building isn't large enough to allow the existing facility to operate while the new system is being constructed, so the existing system will be online until the new one is constructed, so a new location is needed. If the application is denied, no improvements would be made. Chairman Shivas confirmed when the existing well is destroyed, the hole will be backfilled and brought back to a natural surface. Mr. Stoner noted the trees being planted are proposed because the homeowner requested it. He asked if the homeowner can remove the trees. Mr. McAloon said he personally doesn't want it to be that the trees need to be maintained forever, in case the homeowner moves. Mr. Stoner confirmed the justification for the two principal structures is because they're not creating a new lot, and there is an easement. Ms. Handal said that lot will be removed and they're relocating the structure to the easement. The facility has historically existed.

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Ms. Leo asked to waive the resolution so they can move ahead with the timeline. She acknowledged this is at the applicant's own risk. Ms. Raffay asked if they have to go through the process to file a subdivision. Ms. Leo said the easement is already done, but when they change the lot line, they will need to record the deed.

Mr. McElroy motioned to approve the application, seconded by Mr. Walsh.

Ayes: Ms. Raffay, Messrs. McElroy, Smith, Walsh, Chairman Shivas

Abstaining: Mayor Rubenstein

Absent: Messrs. Proctor, Morytko, Serrilli

Motion carried. Mayor Rubenstein rejoined the meeting.

OPEN TO THE PUBLIC

Chairman Shivas opened to the public and no one spoke so he closed to the public.

REPORTS FROM COMMITTEES

Architectural Review Committee: Mr. Morytko was not present to represent this.

Environmental Commission: Mr. McElroy said the meeting is in two weeks.

Open Space: Mr. Morytko was not present to represent this.

Township Council: Mayor Rubenstein said they talked about Sutton Lane; they found out it's not a road, but an easement across state land for access to the houses. They have been plowing it for fifty years, but won't be plowing it anymore. They awarded the bid to Green Valley for the tennis courts. One will be lined for a pickleball court. Some of the funds will be paid for by local recreation grants. They started the 2025 budget discussion.

Zoning Report: Everyone has a copy.

ADJOURNMENT

A motion to adjourn the meeting was made at 10:24 by Mr. McElroy, seconded by Mr. Walsh. All were in favor. Motion carried. The meeting was adjourned.

Respectfully submitted by Caitlin Phillips