

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

ROLL CALL: Ms. Raffay, Messrs. Proctor, McElroy, Morytko, Walsh, Chairman Shivas

Members Absent: Mayor Rubenstein, Messrs. Serrilli, and Smith

Also Present: Engineer Cory Stoner, Attorney Alyse Hubbard, Secretary Caitlin Phillips

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

MINUTES: July 18, 2024. Mr. Proctor motioned to approve the minutes, seconded by Mr. McElroy.

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

Abstaining: Messrs. Morytko, Walsh

Absent: Mayor Rubenstein, Messrs. Serrilli, and Smith

None opposed. Motion carried.

RESOLUTIONS

Z11-2024, Michael Menduni, 40 Lynn Drive, Block 337.01 Lot 22, R-3 Zone

Application for 6-foot fence in the front yard

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

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

Abstaining: Messrs. Morytko, Walsh

Absent: Mayor Rubenstein, Messrs. Serrilli, and Smith

None opposed. Motion carried.

Z03-2024 Charles Cirella 10 Hawthorne Trail, Block 210 Lot 17, R-5 Zone

Application for carport in the front yard

Chairman Shivas noted this is for the second driveway, as the carport will be removed. Mr. Proctor motioned to approve the resolution, seconded by Mr. Walsh.

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

Abstaining: Mr. Morytko

Absent: Mayor Rubenstein, Messrs. Serrilli, and Smith

None opposed. Motion carried.

SUBCOMMITTEE MEETING

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

Application for new sanitary system for PFAS treatment

Mr. Walsh said this application is for a private water company that's building a new well house. The application involves a site plan, a few variances, and a lot line adjustment. They granted the waiver request for an Environmental Impact Statement because it's already a developed area. He motioned to deem the application complete and schedule their hearing for 08/15, seconded by Ms. Raffay.

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

Absent: Mayor Rubenstein, Messrs. Serrilli, and Smith

None opposed. Motion carried.

PRESENTATION FROM COUNTY: PARCEL DOCUMENT VIEWER WITH DAN FREED

Mr. Freed is the records manager at Sussex County. In 2011 the County had a flood in the records center, and they worked to get everything scanned with an imaging group. The towns have documentation, such as tax maps, site plans, and zoning information, and Mr. Freed makes sure the

documentation is updated at the County. They have been working on a Parcel Document Viewer. There is a video tutorial that shows how to access the parcel viewer, which has every parcel shown with 99% accuracy. The application allows people to look up a parcel and it will show the tax assessor data, and pull up tax maps, site plans, and septic and well documents.

NEW BUSINESS

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

Michael Mullin of Schenck, Price, Smith & King represented the applicant. Jason Dunn was sworn in as a Planner at 11 Lawrence Road in Newton. He has worked in Wantage and Sparta, and in Warren and Sussex County. His license is in good standing and was deemed an expert. Paul Ashworth was sworn in as an Architect at 49 Old Creamery Road in Newton. He has worked in Sparta, Wantage, Morristown, Morris Plains, Denville, and Byram. His license is in good standing and he was deemed an expert.

Mr. Dunn said the lots would be combined as a result of the application. It is an undersized lot and fronted on three sides. He submitted **Exhibit A1**, a submitted sheet with highlighted elements. There is a 22-foot difference in elevation on the property. They tried to find details on the house that was there before. It had three bedrooms and roof and water damage, and the water was not potable. The structure was demolished in 2017; whether it fell in on itself or was demoed, they're not certain. There are remnants of the foundation, retaining walls, and septic system, which is on the north-west corner. The County is reviewing it now. The retaining walls are going to be removed, and the gravel parking area would be turned back into lawn. They are going to clean up the overgrowth. For at least 10 years the property has been an eyesore. The proposed is 3 bedrooms and 2.5 bathrooms. It matches the style of the neighborhood, with gable roofs and a covered porch. There is a proposed attached one-car garage. Mr. Mullins asked if the change in elevation affects the design. Mr. Dunn said there are proposed retaining walls, and they have to compensate for the change in elevation. He reviewed the variances. Mr. Mullin confirmed the need for the variances is because of the unique quality of the property. Mr. Dunn said there's no real alternative to make this work and meet the setbacks. He reviewed the Environmental Commission recommendations, including additional landscaping to help with runoff. He said the applicant agreed there are some planting areas in the north and foundation plantings parallel to Greywood Lane and Ka-Ton-Nah Trail that can be done. They'd want to limit the plantings near the house so it doesn't become overgrown. They would submit a planting plan as a condition of approval. Chairman Shivas asked how they're mitigating stormwater runoff into other properties. Mr. Dunn said they don't have a drywell proposed because of where the septic is. They're planning to do roof liter drains into splash blocks. Mr. Stoner said they can't put anything in the yard along Allamuchy Trail because of the septic proximity, and the other side is higher up. His concern is water going onto a neighbor's property. It should discharge towards the front of the property or run across the lawn area near the septic towards Allamuchy. They discussed landscaping and drainage. Mr. Ashworth said he can pitch the water. Mr. Dunn submitted **Exhibits A2 and A3**, MLS listings showing the lot with and without the house. **A2** is the listing from 2013. Mr. Stoner suggested daylighting the drains, since they'd have trouble getting a seepage pit on the property. Ms. Raffay asked about the curved retaining wall on the north-west corner. Mr. Dunn said there would be plantings there. The property steps down quickly, and when calculating the building height it becomes part of the calculation to keep it below 35 feet. Mr. Ashworth said it's for aesthetics as well.

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

Mr. Ashworth went over the look of the house including vinyl siding, that's either a muted grey or brown. He reviewed the floorplan. Chairman Shivas asked about the playrooms. Mr. Ashworth said they made

them bigger in case there's a kid using the room there'd be a room to play, or it could be an office with furniture. Chairman Shivas said there are no closets in the bedroom. Mr. Ashworth said it's becoming more common that people don't want closets, but rather furniture to store clothes. Some people do built-ins. He agrees this will conform to the neighborhood. Chairman Shivas said they should have inspections done as the house is being built to verify the height.

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Ms. Raffay confirmed the health department will verify the septic. She's in favor of plantings near the retaining wall. Ms. Hubbard confirmed Mr. Gleitz should review the planting plan. Mr. Walsh confirmed Mr. Stoner is okay with the drainage plan; this is not a large home, so as long as the water is not directed to the neighbors it will be okay. Ms. Hubbard noted they'll have to merge the lots. Ms. Raffay motioned to approve the application, seconded by Mr. Morytko.

Ayes: Ms. Raffay, Messrs. Proctor, McElroy, Morytko, Walsh, Chairman Shivas

Absent: Mayor Rubenstein, Messrs. Serrilli, and Smith

Motion carried. Ms. Hubbard explained the appeal period.

Z01-2024 Tom Chamberlin, 2 Briar Lane, Block 365.02 Lot 1, R-3 Zone

Application for driveway expansion for a second driveway

Thomas Chamberlin was sworn in. Chairman Shivas asked about the driveways. Mr. Chamberlin said one is just a parking spot for his kids' cars. There's a walkway to the shed area. The other area is an access road for where they store the trailers. Chairman Shivas said the road for the trailers is too close to the intersection. He asked if there is a way he could go from his house, so that he'd have two driveways rather than three. Mr. Chamberlin said the area that goes down to the sheds has blacktop, but nothing parks other than next to the road. Ms. Hubbard asked what the sheds are used for. Mr. Chamberlin said one is existing, and is used for tractors and quads. The other shed has his kids' side-by-side terrain vehicles. Ms. Hubbard confirmed the McAdam driveway on the survey is where the vehicles are parked. Mr. Chamberlin said to the right of that is flat and he put QP rocks down and they bring trailers down that area. Nothing else parks there, the vehicles just bring the trailers to that spot and leave. He prefers backing the trailers the way they do in case people are coming up the road. Mr. Stoner said in the past two weeks Mr. Chamberlin added a stone retaining wall. Mr. Chamberlin said that was approved through the Zoning Office. Mr. Stoner said the concern was the height, which was adjusted; his concern is the access to the trailer driveway if the wall is near where he'd turn. Mr. Chamberlin said there's room. Ms. Raffay said it doesn't look like the driveway for the trailers is used infrequently; it's dirt. Mr. Chamberlin said the grass was killed from the trailers. It's dirt at the beginning because of construction work from the electric company for utilities. Ms. Raffay said there's wheel marks. Mr. Chamberlin said it normally looks like just two wheel marks rather than the dirt patch. Mr. Chamberlin noted it looks bad now too because of the retaining wall being built.

Mr. McElroy asked about the accessory structures. There is a shed, garage, and carport. Mr. Stoner said there are two sheds. Mr. Chamberlin said they're all a little over 6 feet apart from one another. Mr. McElroy said it looks like less than six feet. Mr. Chamberlin said the Zoning Officer and the Town Manager visited and measured. Mr. McElroy noted there's a notice of violation for these. Mr. Stoner said the violation may have been issued before they visited. He confirmed they're moveable and that if they find that they're less than 6 feet, Mr. Chamberlin will move them. Mr. Stoner noted issues with lot disturbance for the gravel and paved areas. He confirmed no trees were removed in the area with the sheds. Mr. Chamberlin said there was a chicken coop there when he bought the house. Ms. Raffay suggested access near Brookwood Road rather than Briar Lane. Mr. Chamberlin said there's a hill there. Mr. Chamberlin said it will be grass again, but periodically the kids will get the trailer. Mr. McElroy noted

that there needs to be a hardship to justify the variances. There needs to be something about the property that precludes being able to do this another way, not just saying you want something because it's convenient. Mr. Chamberlin asked if the issue is accessing the wooded area. Mr. McElroy said the Township doesn't allow three driveways, so there needs to be a valid reason to grant an approval. Mr. Proctor noted the driveway is defined by the access, so if he went with Chairman Shivas suggestion, it would be two instead of three. Chairman Shivas said the problem is he's accessing the road. If he uses the main driveway then it takes away one. Mr. Chamberlin said that's the way they'll access it then. Mr. Morytko noted it's clear that this area is a driveway, so it needs to be restored and landscaped to the point where they can't pull a trailer in that way. Mr. Walsh confirmed the trailer driveway isn't used for parking. Mr. McElroy asked how long the other driveway was there. Mr. Chamberlin said it's been there since they bought the house and it was so overgrown no one saw it. Mr. Stoner noted his concern about maintenance. Ms. Raffay noted the access to the trailers and the use of the ATVs would be done no matter the weather, so it may end up being a dirt area again. Ms. Hubbard confirmed the trailers can't be parked near the ATVs. Mr. Chamberlin noted that area is only about 10 feet wide. The road narrows as it goes down. Mr. Morytko confirmed there are two trailers. Mr. Walsh confirmed Mr. Stoner's concern is the amount of disturbance to access the trailers off the main driveway.

Chairman Shivas opened to the public. Jack Moran was sworn in. He asked with the additional driveway are there going to be more vehicles or traffic. Mr. Chamberlin said everything will remain the same. It's just an access to get what's typically looked at, which is the trailers. Mr. Moran said their back yard corner is towards the wooded lot. He asked if they plan to put any screening around the trailer area to soften the look. Mr. Chamberlin said everything is as it has been. Chairman Shivas closed to the public.

Ms. Raffay noted she can't figure out how everything is fitting. She wants to make sure everything is what they're agreeing on. The Board looked at the survey to determine distances. They discussed an as-built. Ms. Raffay asked about getting a survey before an approval so they know where everything is. Mr. Chamberlin said he could draw the dimensions. Ms. Raffay noted that's after the vote; she'd like to see a survey. Mr. Walsh confirmed the trailers would be backed in. He asked the material as the trailer is backed up. Mr. Chamberlin said grass; that area isn't steep. Mr. McElroy said he still has an issue; sometimes it's the lot causing an issue, and sometimes it's the intensity of the proposal. The lot isn't oddly shaped or too small. Unless he has a better idea of the hardship, he will have trouble voting for this application even with the new survey information. Ms. Hubbard explained what a hardship means. She noted once something is disturbed, it remains that way, which is different than removing coverage. Mr. Walsh confirmed with Mr. Stoner that there are five structures on the property, but not all of them are on the survey. Mr. Stoner said there are four shown, and one small shed that's not. Mr. Morytko said he'd like to see landscaping shown and the access area. Mr. Walsh summarized what they're looking for is an updated survey that shows landscaping, existing driveways, wall location, new access point, and depictions of the accessory structures. Mr. Stoner added showing existing landscaping. Chairman Shivas noted he has to explain why this is placed there rather than another area that wasn't already disturbed.

Mr. Morytko motioned to carry the application to 09/05, seconded by Mr. Proctor.

Ayes: Ms. Raffay, Messrs. Proctor, McElroy, Morytko, Walsh, Chairman Shivas

Absent: Mayor Rubenstein, Messrs. Serrilli, and Smith

Motion carried. The Board took a five-minute break.

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

Application for ramp and roof alterations

Vincent Dominach was sworn in in Somerville NJ. He said this is a minor site plan application. There was a deli at this location which closed about a year and a half ago. The property was purchased and Mr.

Dominach is planning to reopen with the property owners. They're removing the existing ramp and walkway and enlarging them to meet ADA requirements. They also want 8 seats, and to have a roof over the walkway. There will be no seating inside. Ms. Hubbard confirmed the seats are not on the plan. Mr. Stoner said the original plan is from Mr. Kolody which is about 19 years old. Chairman Shivas noted there was an ice machine near the door. Mr. Dominach said that won't be there. Chairman Shivas confirmed the roof is not an enclosed area. Mr. Stoner asked, in order to use the survey provided, that the site be brought back to what it was when approved. Mr. Stoner noted there are two residential spaces behind the building. Mr. Dominach said the dwelling is there but not occupied. The property owner lived there for 13 years. Chairman Shivas said if someone takes over the house, they'll need spaces for it. He added that they can't tear the house down because it's a historic site. Mr. Dominach noted if they are required to come back to the Board for anything they will. Chairman Shivas said he prefers an as-built survey when things are done because the plan presented is complicated. Mr. Dominach said they will do it as determined by the Board. He said the only approval he was able to find was from 1990, to allow for farming. Mr. Walsh confirmed the plan submitted was not approved by the Board, as far as records show. The Board discussed the need for an as-built survey. They're not proposing any lighting. They're expecting to be open 6am-3pm.

Ms. Hubbard asked about screening. Mr. Dominach said they'll have the first ten feet on the right side for the seats, so there's nothing on the left side. Ms. Hubbard confirmed lighting won't cast onto adjoining properties.

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

Mr. Morytko motioned to approve the application, seconded by Mr. Walsh. Mr. Walsh noted that's conditioned on the as-built reviewed by the engineer, and if there are issues they'll come back or remedy them.

Ayes: Ms. Raffay, Messrs. Proctor, McElroy, Morytko, Walsh, Chairman Shivas

Absent: Mayor Rubenstein, Messrs. Serrilli, and Smith

Motion carried.

BILLS:

Harold Pellow (15): \$5,020.75. A motion to approve the bill was made by Mr. Walsh, seconded by Mr. Morytko. All were in favor. Motion carried.

Maraziti and Falcon (14): \$4,760. A motion to approve the bill was made by Ms. Walsh, seconded by Morytko. All were in favor. Motion carried.

REPORTS FROM COMMITTEES

Architectural Review Committee: Mr. Morytko said there's been no meeting.

Environmental Commission: Mr. McElroy said they didn't have a quorum so there was no meeting.

Chairman Shivas said Mr. McElroy should discuss with them how the reports are sent over. Ms. Hubbard noted a name and date would be helpful.

Open Space: Mr. Morytko said the next meeting is August 12th.

Township Council: Mr. Proctor said there's been no meeting since the last Board meeting. They are going to discuss the annual report on September 3rd.

OPEN TO THE PUBLIC

Chairman Shivas opened to the public. Patricia Moschella asked the Board to consider remote meetings to help residents. She wasn't able to come to the last meeting, and she wrote something she wanted presented, but she was advised that she can't share comments that are passed along. Ms. Hubbard noted

that's per the Municipal Land Use Law that anything submitted needs to be subject to cross examination. Ms. Moschella said it'd be nice to sit in on the meetings. She noted she went to attend the last Environmental Commission meeting, but no one was there. She asked if there's a way to be notified. Mr. McElroy said he'll mention it to the committee. Ms. Hubbard noted they should post cancellations on the door. Chairman Shivas closed to the public.

ADJOURNMENT

A motion to adjourn the meeting was made at 10:30 by Mr. McElroy, seconded by Mr. Proctor. All were in favor. Motion carried. The meeting was adjourned.

Respectfully submitted by Caitlin Phillips