

MINUTES OF THE PLANNING BOARD MEETING
Thursday, March 24, 2022

Present:

Chairman Larry Longeran

Mayor Alex Roman

Councilman Jack McEvoy

Mr. Al DeOld

Mr. Jason Hyndman

Mr. Jeremy Katzeff

Mr. Greg Mascera, Planning Board Attorney

Vice Chair Jessica Pearson

Mr. Steven Neale

Mr. Tim Camuti

Mr. David Freschi

Mr. Jesse Lilley

Ashley Neale, Planning Board Secretary

Meeting called to order at 7:30PM by Chairman Lonergan.

Pledge of Allegiance:

Chairman Lonergan reads Open Public Meetings Act Statement.

Public Hearing

Chairman Lonergan asks if anyone from the public would like to address the board on topics not on this meeting's agenda. No one from the public came forward.

Approval of Minutes

Vice Chair Pearson asks for a motion to approve minutes from a Regular meeting held on February 24, 2022. Vice Chair Pearson makes the motion, Mr. Freschi seconds. Chairman Lonergan abstains, all others present vote in favor.

Resolutions

Chairman Lonergan asks Vice Chair Pearson to give a brief recap on the purpose of the resolution. Vice Chair Pearson notes that as discussed at the Board's last meeting, the Board agreed to obtain the services of a forester to review an updated plantings list. Vice Chair Pearson notes that Thomas Doty was the forester that was chosen and he has reviewed and signed off on the updated planting list in front of the Board. Chairman Lonergan asks for a motion to memorialize the resolution allowing Vice Chair Pearson to engage such forester. Mr. Freschi makes the motion, Mr. Neale seconds. All present vote in favor.

Mr. Mascera notes that he has compiled a resolution also in front of the Board approving the updated list and recommending to the Township Council the list as an amendment to the Township's Zoning Code. Chairman Lonergan asks for a motion to approve Resolution 2022-02. Vice Chair Pearson makes the motion, Mr. Camuti seconds, and all other present vote in favor.

Sub Committee Updates

Vice Chair Pearson gives a background on how the Master Plan Sub Committee has been meeting over the last few months. She notes for the public that there will be a Community Workshop on March 29 at the Verona Community Center for public input. She notes they have discussed the circulation element and that part of the plan is nearly 70 percent complete. Mr. Camuti reiterates the importance of public participation at the Community Workshop.

Hearing Application 2022-01 for 4 Arnold Way

Mayor Roman and Councilman McEvoy recuse themselves from this application, noting it was discussed privately at a Township Council meeting.

Mr. Alan Trembulak introduces himself as the attorney for the applicant, Michael Nicholson. He notes that the applicant is requesting a Minor Sub Division requiring variances. He notes the current property is in the R100 zone, and is approximately 30,000 square feet where 12,000 is required. He comments that due to the unusual shape of the lot it would be difficult to divide into two fully conforming lots. He testifies that the lot that currently has the house would require a variance for minimum required lot size and exceeds maximum improved lot coverage. He notes that the applicant is currently renovating the house on the property, and intends to put it on the market in the future. He adds the intention is to have another single-family house built on the newly formed lot.

Mr. Trembulak calls Peter Steck as the planner for the application. Mr. Mascera swears in Mr. Steck. Mr. Steck gives a brief background on his education and qualifications, and is accepted as an expert witness by the Board. Mr. Steck marks exhibit A-1 into the record. A six-page handout dated March 24, 2022 prepared by Mr. Steck titled Subdivision and Variance Application of Michael Nicholson. Mr. Steck explains each page to the Board. Mr. Steck notes the property is burdened by a utility easement at the end of the right of way. He notes there is an existing condition, the current house is only 21 feet back and 35 feet is the required setback. He adds that by subdividing the lot, the lot with the house will be at 38.8 percent improved lot coverage where 35 percent is required. He clarifies that the survey originally showed the correct lot coverage but the applicant has since cut back the patio, reducing some of the coverage but still requiring the variance. He states testifies that the lot constitutes a C1 hardship because of the irregular size of the lot. He notes due to the shape the proposed current lot size is 9,224 square feet, where 12,000 is required. He comments that the Townships Master Plan recommends only 10,000 square feet for this zone. He adds that the new lot would be approximately 20,466 square feet. Mr. Steck continues by explaining the details of the surrounding lots on Arnold Way. He notes that the applicant recognizes there are steep slopes on the new lot and any developer would have to comply with the Township's steep slope ordinance. Mr. Steck notes that this could also fall under a C2 hardship, which requires the benefits to outweigh the detriments. Specifically because they are only proposing to add one other house to the street and that would not substantially impair the purpose of or intent of that zone plan.

Chairman Lonergan marks the following exhibits into the record:

B1- Engineering Review Letter- Dated February 3, 2022

B2- Revised Engineering Review Letter- Dated March 3, 2022

B3- Revised Engineering Letter for Lot Width- Dated March 3, 2022

B4- Verona Environmental Commission Memorandum- Dated February 8, 2022

Chairman Lonergan asks if any members of the Board have questions. Mr. Katzeff asks if this is an investment property. Mr. Mascera swears in Michael Nicholson as the owner of the property. Mr. Nicholson responds that he does intend to sell the property as a buildable lot. Mr. Hyndman asks if there are rough concepts for the proposed house on the new lot. Mr. Steck notes he did not prepare a concept plan but the required setbacks would be met making it 25 feet in the front yard, and then there are steep slopes that would have to be complied with. Mr. Hyndman asks what kind of storm water mitigation is on the lot with the current house. Mr. Nicholson notes that a French drain was installed when the driveway was redone. Mr. Trembulak notes they are willing to work with the Township Engineer on any storm water mitigation they feel is necessary on the existing lot due to the increased impervious coverage or on the new lot. Ms. Pearson notes her concern about the steep slopes and storm water management. She also adds that she believes the applicants are creating their own hardship by drawing the lot line there. Chairman Lonergan asks if the patio could be reduced to decrease the amount of impervious coverage. Mr. Nicholson notes that as much of the patio that can be removed was, and removing anymore would affect the deck and be very costly. Mr. Camuti asks the square footage of the existing house and if a comparable one could be built on the new lot. Mr. Nicholson notes the existing house is approximately 2,000 square feet and he believes a new one would be similar.

Mr. Steck mentions an alternate plan created by him that would comply with the variance for impervious coverage. There is some discussion amongst the Board regarding a new plan submission. Mr. Steck distributes the alternate plan to the Board. Mr. Trembulak marks the handout as exhibit A2. He notes that on the new plan the applicant would dedicate approximately 1,560 square feet to the Arnold Way right of way. He adds that it does not necessarily need to be paved, and there is already an easement there. He comments that this would give the public access to the Green Acres open space land adjacent to the property, benefitting the public. He comments that the current lot would be a rectangle with 11,686 square feet and the impervious coverage would drop below the maximum 35 percent. He notes the newly created lot would be approximately 16,400 square feet.

Chairman Lonergan notes the applicant needs to make a decision on which plan they intend to proceed using. There is some discussion on the public right of way and how that would be maintained. Mr. Trembulak notes that they would like to proceed using the newly distributed plan. Chairman Lonergan notes that the Board will require a new Engineer review to move forward. Chairman Lonergan states for the record that this application is being adjourned to the Board's next regular meeting, Thursday April 28, 2022 at 7:30 PM at the Verona Community Center and no further notices will be required.

Chairman Lonergan calls for a break at 9:03 PM. Meeting is called back to order at 9:11 PM

Hearing Application 2022-02 for 86 Durrell Street

Mr. Trembulak notes that he is also the attorney representing AVC Holdings XIII, LLC for this application. He adds that this application is also proposing a minor sub-division, creating two 50-foot lots out of the current 100-foot lot. He comments that there is an existing house on the eastern side of the property and vacant land on the other. He notes that the lot width requirement for the R-70 Zone is 70 feet. He states the applicant's intention is to renovate the existing house and build a new single-family house.

Mr. Trembulak introduces Charles Stewart as his first witness. Mr. Mascera swears in Mr. Stewart. Mr. Stewart give a brief background of his education and qualifications for the Board. Mr. Stewart testifies that he prepared the sub-division plan in front of the Board, and describes the geographic location of the property. He continues by explaining the variances required one being for a lot size of 7,500 square feet is proposed and 8,500 is required. He notes that they are proposing a lot width of 50 feet is proposed and 70 feet is required. He adds that with the sub-division, the existing house would be 7.5 feet from the lot line where 8 feet is required, and the garage would be only 3 feet from the lot line. He also notes a variance would be required for lot coverage percentage on the lot with the existing house, noting it is a pre-existing non-conformity. Mr. Stewart suggests a storm water attenuation system to be added to the new lot to mitigate any addition storm water issues. Mr. Stewart testifies that the applicant would be agreeable to complying with all of the conditions and suggestions that Mr. DeCarlo noted in his engineering review letter dated March 8, 2022.

Chairman Lonergan asks if any members of the Board have questions for this witness. Vice Chair Pearson asks for clarification regarding the storm water attenuation system. Mr. Stewart notes that for a typical single family home it would consist of a seepage pit, that would be a tied in the leader drains and would seep into the soil. Vice Chair Pearson asks how many gallons he would recommend. Mr. Stewart responds that a soil test would have to be performed and then the system would be designed accordingly. Mayor Roman asks if consideration was made to keeping the existing lot and building a new structure. Mr. Stewart notes that he did not have a conversation with the applicant regarding that. Mr. Camuti asks about maintenance on the seepage pits and Mr. Stewart gives a brief overview on how that would work. Councilman McEvoy asks if the applicant considered removing some of the impervious coverage from the area by the covered carport, considering there is already a 2-car garage. Mr. Stewart notes he would discuss with the applicant.

Chairman Lonergan asks if anyone from the public has questions for this witness. Chris Budesza from 28 Sylvan Road asks about the seepage pit and how long water stays in it, as he is concerned about mosquitos. Mr. Stewart notes that it would be dependent on the soil type, but usually not more than 24 hours.

Mr. Trembulak calls Peter Steck as his next witness. Mr. Mascera swears in Mr. Steck again and Mr. Steck notes his qualification remain the same as stated earlier in the meeting.

Chairman Lonergan marks the following exhibits into the record:

B1- Zoning Engineering Review- dated March 8, 2022

B2- Environmental Commission Memorandum- dated March 14, 2022

A1- Minor Subdivision Map prepared by E 2 project Management, LLC, prepared under the supervision of Charles J. Stewart, PE, LS.

A2- 6 page Handout prepared by Peter Steck- Dated March 24, 2022

Mr. Steck gives a brief overview of the handout distributed to the Board. Mr. Steck notes that at one time this property was two 50-foot lots that were merged. He adds that the current structure needs significant upgrading and has 2 existing non-conformities. One being the front yard setback is 27 feet where 35 is required and the side yard setback is 7.5 feet where 8 feet is required. He adds notes there are a number of non-conforming lots in the area and that the Township's Master Plan recommends lot size of 7,000 square feet for the zone. Mr. Steck reiterated the necessary variances previously explained by Mr. Stewart. He opines that this would qualify as a C2 hardship that the applicant attempts to demonstrate that the public benefits substantially outweigh the detriments. Mr. Steck notes the Master Plan goals talk about promoting appropriate population densities and preferences for renovating instead of tearing down homes. Mr. Steck comments that if the land were not subdivided he would expect a very large house to be constructed that may not be as aesthetically pleasing. He notes that traffic would not be impacted by adding one house to the street. He adds that the new house would comply with all bulk standards and would not require any relief.

Chairman Lonergan asks if any members of the Board have questions for Mr. Steck. Mr. Katzeff asks about the location of the driveway on the new property. He notes the driveway will most likely be on the right hand side and would not affect the neighbor's trees. Mr. Freschi asks about the extent of renovation and protection on the existing house. Mr. Steck notes the Board could condition the approval that the house cannot be demolished. There is some discussion regarding lifespan of conditions. There is addition discussion on sizing of houses that could be constructed if the lot remained at 100 feet wide.

Chairman Lonergan asks if anyone from the public has questions for Mr. Steck. Mike Pronesti from 29 Mountainview Avenue in Cedar Grove notes he is here with his aunt and uncle who are in their 80's. Mr. Pronesti asks if the new house would be overpowering. Mr. Steck notes that the new house would have to comply with all bulk standards and would not require variances. Ken Jennings from 47 Seminole Avenue Rockaway New Jersey. He notes that he is here on behalf of his parents who own 92 Durrell Street. He adds his parents received a letter stating their driveway was 3 feet over the property line and wants to know how this sub-division and construction would affect their driveway. Mr. Trembulak responds he does not believe that his client intends to change that as an existing condition. Mr. Mascera asks if that application would agree to grant an easement to the neighbor. Mr. Mascera swears in Yale Klat residing at 10 Tuxedo Drive in Livingston as the one of the principles of the applicant. Mr. Klat clarifies that he would like to make sure an easement is agreed upon so that they would never have to remove the part of the driveway encroaching onto the property. Sean DiBartolo from 34 Oakridge Avenue asks about three tree stumps on the plan and when they were removed. Mr. Trembulak notes that the current owners of the property are deceased and he does not have any information on when the trees were removed.

Chairman Lonergan asks if anyone from the public would like to make comments regarding this application.

Jeremy Goldberg from 27 Otsego Road comments that a 6,000 square foot house would be much more out of place and the original house is more memorable.

Lisa Czernkowski from 94 Durrell Street comments she would like to see the lot remain and that making the lots smaller would not be esthetically pleasing.

Monica Vincent from 36 Montclair Avenue comments that she would like to see consistency and that a larger home would look out of place.

Helen Jennings from 92 Durrell Street comments that she is against the proposed sub-division and would like to maintain the brightness and privacy.

Tammy Rawding from 155 Forest Avenue asks what the maximum square footage is of a house that could be built if the property remained.

Mr. Trembulak gives a brief overview of all testimony presented and concludes his presentation.

Chairman Lonergan asks the Board to deliberate. Mr. Neale comments he goes back and forth with his decision, and is struggling with the amount of coverage being requested on the one lot, he notes that Durrell has had significant changes recently. Mr. Camuti comments that the lot could be left and someone could build an appropriate sized house so imagining something extremely large is difficult. Councilman McEvoy comments that something will be built on the property regardless of approval of the sub-division, he asks add a condition of approval to make the air condensers located on the side of the new house away from the current neighbors. Mr. Trembulak agrees to that condition. Mayor Roman echoes earlier concerns and adds he is concerned with creating additional non-conformities. Chairman Lonergan notes that the application is consistent with the surrounding area and with the proposed conditions would be acceptable. Vice Chair Pearson notes, she is not in favor of the application because of the non-conformities and feels that not everyone would come in and cover the entire lot with a huge house. Mr. DeOld comments that he does not object to moving forward. Mr. Freschi states he would be agreeable to approving with the numerous conditions listed. Mr. Hyndman echoes concerns from other Board members, adding that he thinks that the storm water improvement and condition to comply with bulk standards are beneficial. Mr. Lilley notes his concern that it does not conform to the zoning code. Mr. Katzeff notes construction costs may prohibit a developer from construction a 6,000 square foot house.

Chairman Lonergan asks for a motion to approved application 2022-02 for Minor Sub-Division at 86 Durrell Street with the following conditions:

1. Comply with all storm water regulations
2. Comply with all recommendations from Mr. DeCarlo
3. Remove car port and portion of the blacktop to reduce imperious coverage
4. Large 60 in diameter tree in rear of property would remain
5. Existing house and garage would remain for a 5 year period and be renovated
6. Locate driveway to the new house on the right side of the property
7. Grant easement for neighbors at 92 Durrell Street driveway encroachment to remain in perpetuity
8. Comply with Township tree ordinance
9. Submit landscape buffering plan to the Zoning officer for approval
10. Must place air condition unit on right side of newly constructed house away from existing neighbors

Mr. Hyndman makes the motion, Mr. DeOld seconds. Roll call vote is taken. Mr. Hyndman, Mr. Freschi, Mr. DeOld, Mayor Roman, and Chairman Lonergan vote in favor. Mr. Camuti, Councilman McEvoy, Mr. Neale and Vice Chair Pearson vote against. Application is approved 5 to 4.

Chairman Lonergan calls for a break at 11:13 PM and the meeting is called back to order at 11:15 PM.

176-200 Bloomfield Avenue – Request for Extension of Approval

Chairman Lonergan asks for anyone representing the applicant, DMH2 LLC was present. No one came forward. Vice Chair Pearson and Council McEvoy recuse themselves due to their proximity to the subject property.

Mr. Mascera marks exhibit A1- Letter from Michael Harrison dated March 3, 2022 into the record. Chairman Lonergan notes the letter is requesting to Board to consider extending the Site Plan approval memorialized in Planning Board resolution 05-2015. Mr. Mascera notes that it is not a formal application and briefly explains the statute under the Municipal Land Use Law that deals with approval extensions. He notes the applicant had 2 years from the decision to begin the project, however this was in appellate court, and therefore the applicant had 2 years from the final judgement, dated April 2, 2020. He continues by briefly explain the Permit Extension Act requirements. Chairman Lonergan notes there is nothing in the letter that gives a clear explanation of why they are requiring the extension and given no one is here to make the argument of their behalf.

Chairman Lonergan asks for any questions or comments from the Board. Mr. Hyndman asks if anyone is aware of any departmental approval delays with either the Township or the State. Mr. Mascera notes that if there was any they have not expressed that to the Board.

Chairman Lonergan asks if anyone from the public has comments. Sarah O'Farrell from 27 Westview Road notes that according to the letter, he spent a lot of money, she notes mismanagement of funds is a personal issue, and she notes he is behind on his taxes and water bills. Lars Sternas from 60 Montclair Avenue notes there is nothing in the letter specifically addresses that he has complied with the qualifications for the Board to grant the extension laid out in the Municipal Land Use Law. Beth Shorten 21 Montclair Avenue note the applicant has stated he was acting in good faith, but she does not see that.

Chairman Lonergan asks for a motion from the Board, Mr. Camuti makes a motion to deny the request for extension, Mr. DeOld seconds. Roll call vote is taken all members vote to deny the extension of approval.

Adjourn

After a motion made by Mr. Neale and seconded by Mr. Camuti, there was a unanimous vote to adjourn at 11:32 PM.

Respectfully submitted,



Ashley Neale
Planning Board Secretary

PLEASE NOTE: Meeting minutes are a summation of the hearing. If you are interested in a verbatim transcript from this or any proceeding, please contact the Planning Board office at 973-857-4805.