

Borough of Kinnelon

Board of Adjustment

April 5, 2022

The regular monthly meeting of the Kinnelon Board of Adjustment was called to order by Chairman John Carpenter at 8:00p.m., Tuesday, April 5, 2022 in the Municipal Building.

It was posted that adequate notice of this meeting had been given in accordance with the Sunshine Law by posting a notice on the municipal bulletin board, by publication of a legal notice in the Suburban Trends on February 2022 and by sending the meeting date to the Daily Record and Herald News on February 2022.

Present and answering roll call were Mr. Carpenter, Mr. Bender, Mr. Lockwood, Mrs. Minett, Mrs. Maletsky and Mrs. Canale. Mr. Ott and Mrs. Herrington were absent from this meeting.

Mr. Carpenter asked if everyone would please rise for the Pledge of Allegiance.

A motion to approve the February 1, 2022 minutes was offered by Mrs. Maletsky, second by Mr. Bender with the affirmative "yes" vote of all on roll call.

A motion to approve the March 1, 2022 minutes was offered by Mrs. Minett, second by Mr. Lockwood with the affirmative "yes" vote of all on roll call. Mrs. Canale and Mrs. Maletsky abstained.

Mr. Carpenter announced that Application #1535 DaVita Kidney Care. 1481 Route 23 South. The applicant is seeking Checklist waivers and a type D(1) variance to provide medical service to dialysis patients would be heard at the May 3, 2022 meeting.

Application #1536 Eva Gardow, 11 Arrowhead Trail. The applicant is seeking a front yard variance, back yard variance and a lot coverage variance to remove the existing one-story porch and construct a two-story addition and an A/C unit.

A motion to deem this application complete was offered by Mrs. Maletsky, second by Mrs. Minett with the affirmative "yes" vote of all on roll call.

Mr. Carpenter read the following Engineers report into the record.

Dear Chairman Carpenter and Members of the Board:

We have received the following documents in support of the above-referenced application:

A. New Account Escrow Information Sheet, dated October 8, 2021;

B. Rules and Regulations for Escrow Accounts, signed by the Applicant, dated October 8,

2021;

- C. W9 Form, Request for Taxpayer Identification Number and Certification, not signed or dated by the Applicant;
- D. Kinnelon Zoning Board of Adjustment Application for Development, revised and signed by the Applicant, dated January 24, 2022;
- E. Affidavit of Accurate Representation, signed by the Applicant, dated October 12, 2021, notarized;
- F. Tax Assessment Map, Borough of Kinnelon, Sheet 47, current to 12/04/2015;
- G. Copy of Resolution Calendar No. 1417 granting approval to locate a shed six (6) feet from the property line on Arrowhead Trail;
- H. Refusal of Zoning/Building Permit, Borough of Bloomingdale and Kinnelon, signed by Chris Walthour, Zoning Official, dated October 12, 2021;
- I. Architectural Drawings, Plans, and Elevations, enclosing two (2) sheets, prepared by Lawrence Korinda Architect, dated July 29, 2021;
- J. Boundary and Partial Topographic Survey Plan for 11 Arrowhead Trail, enclosing one (1) sheet, prepared by Dykstra Walker Design Group, Kenneth D. Dykstra, PE & LS, dated July 30, 2021;
- K. Subsurface Sewage Disposal System As-Built drawing enclosing one (1) sheet, prepared by Richard E. Deubert, P.E., Kinnelon, New Jersey, dated 11/8/97;
- L. Three (3) photographs of 11 Arrowhead Trail on glossy photo quality paper, submitted by the Applicant, and;
- M. Addition Plan, Gardow Residence, Block 34705, Lot 101, 11 Arrowhead Trail, enclosing one (1) sheet, prepared by Dykstra Walker Design Group, Marc G. Walker, PE, dated July 30, 2021, bearing four (4) revisions through January 20, 2022.

Project Summary

The subject property is a non-conforming corner lot with a Lot Area of 9,798 square feet and a combined

Lot Frontage of 178.87 feet, where minimums of 60,000 square feet and 200 feet are required, respectively. The subject property is improved upon with a two-story dwelling which has non-conforming

Front Yard setbacks of 29.8 feet to Laurel Trail, and 36.1 feet to Arrowhead Trail, where a minimum of 50 is required. The dwelling also has a non-conforming Back Yard setback of 30.6 feet where a minimum of 50 feet is required. Lot Coverage is also non-conforming at 42.3% where a maximum of 27% is permitted.

The subject property is further improved upon with an asphalt driveway, wood decking, multiple sheds, tiered stone walls, stone walkways, patios (covered and uncovered), outdoor steps, gravel areas and walks,

porch, generator and a swing set. There appears to be up to four (4) non-conforming structures: the covered

patio, two sheds, and the generator. Playsets are not considered permanent structures. Per Kinnelon Borough Code, primary and accessory structures, including mechanical equipment, must meet the same minimum setback requirements as the principal structure.

The Applicant proposes to remove the existing one-story enclosed porch, and construct in its place, an ±156 square foot (9.17-foot by 17-foot) two-story addition, to provide the following: foyer at the basement

level; living space on the first floor; and, a bathroom on the second floor. The proposed addition, and the

canopy fronting on Arrowhead Trail, require a variance for Front Yard Setback (34.5 feet is proposed to the canopy where a minimum 50 of feet is required). A variance is also required to Laurel Trail to allow 32.8 feet where a minimum of 50 feet is required. The Applicant proposes to remove an existing temporary shed shown behind the principal structure. The Applicant proposes to install a A/C unit & pad within the Front Yard Setback for Laurel Trail. The proposed A/C unit & pad on Laurel Trail requires a variance for Front Yard Setback (Approximately 28.5 feet is proposed where a minimum 50 of feet is required). A Back Yard Setback variance is also required for the AC unit to allow 33.6 feet where a

minimum of 50 feet is required. Although a reduction in the lot impervious coverage from 42.3% to 41.7% is proposed, the amount of the reduction fails to bring the lot into compliance with the maximum 27% requirement for the zone. As such, a variance is required to allow a Lot Coverage of 41.7% where a maximum 27% is permitted.

Completeness Review

I recommend the application be deemed administratively complete. We recommend this application be placed on the next available agenda of the Kinnelon Zoning Board of Adjustments pending coordination of all Phase 2 checklist items with the Board Secretary. In addition, the Board Secretary shall confirm a variance fee in the amount of \$600.00 is collected per Borough Code §47-31.K. (\$250.00 per variance to the primary structure up to a maximum of \$500.00, plus \$50.00 per variance to accessory buildings or AC pads up to a maximum of \$100.00).

Technical Review

We provide the following technical comments:

1. We recommend the following existing non-conforming conditions are memorialized: the front yard setbacks to the generator; and, front yard and side yard setbacks to the covered patio.
2. If this application is approved, then we recommend the Applicant agrees to provide an as-built survey to this office for review and approval prior to the issuance of a certificate of occupancy to ensure the work performed substantially conforms to the resolution of approval, and to the approved plans.
3. If this application is approved, then we recommend the Applicant agrees to obtain all necessary permits prior to starting any work.
4. The applicant/homeowner, architect, general contractor and all subcontractors shall note, the proposed location, dimensions, and setback dimensions of all proposed improvements cannot be revised from what has been requested, approved and memorialized. When constructing foundations, walls, posts/columns, stairs, decking, HVAC units, etc., the thickness of all materials,

including finished materials, shall be considered to ensure the as-built setbacks will be no less than the setback dimensions approved by the Kinnelon Zoning Board of Adjustment. Setback dimensions are measured to the outer exposed surface of all finished materials including façade treatments such as cultured stone on foundations.

I reserve the right to amend and/or supplement this report should information not known to me at this time

becomes known to me.

If you have any questions, please contact me by telephone (973) 835-8300 extension 112 or by e-mail tab@darmofalski.com

Very truly yours,

Darmofalski Engineering Associates, Inc.

Mr. Bacchetta swore in Miss. Eva Gardow.

A motion to approve this application subject to the Engineers report and the downward lighting was offered by Mrs. Maletsky, second by Mr. Bender with the affirmative “yes” vote of all on roll call.

A motion to approve Resolutions #1538 6 Undercliff Road, #1539 6 Toboggan Trail and #1531 38 Forestdale Road was offered by Mrs. Minett, second by Mr. Lockwood with the affirmative “yes” vote of all on roll call.

A motion to pay the bills and adjourn was offered by Mrs. Maletsky, second by Mr. Lockwood with the affirmative “yes” vote of all on roll call.

Submitted by:

Jennifer Highers
Board of Adjustment

Cc: All Board Members
Board Attorney