

Borough of Kinnelon

Board of Adjustment

February 1, 2022

The regular monthly meeting of the Kinnelon Board of Adjustment was called to order by Chairman John Carpenter at 8:00p.m., Tuesday, February 1, 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 January 2022 and by sending the meeting date to the Daily Record and Herald News on January 2022.

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

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

A motion to approve the December 7, 2021 minutes was offered by Mr. Bender, second by Mr. Lockwood with the affirmative "yes" vote of all on roll call.

Mr. Bacchetta sworn in reappointed member Mrs. Cheryl Canale.

A motion to appoint Mr. Carpenter as Chairperson was offered by Mrs. Maletsky, second by Mr. Lockwood with the affirmative "yes" vote of all on roll call.

A motion to appoint Mrs. Maletsky as Vice Chairperson was offered by Mr. Carpenter, second by Mrs. Minett with the affirmative "yes" vote of all on roll call.

A motion to appoint Mrs. Alimurat as secretary was offered by Mr. Carpenter, second by Mrs. Maletsky with the affirmative "yes" vote of all on roll call.

A motion to appoint Mr. Bacchetta as the Board Attorney was offered by Mr. Carpenter, second by Mrs. Maletsky with the affirmative "yes" vote of all on roll call.

A motion to appoint Darmofalski Engineering as the Boards Engineer was offered by Mr. Ott, second by Mrs. Maletsky with the affirmative "yes" vote of all on roll call.

A motion to approve the 2022 meeting dates was offered by Mrs. Maletsky, second by Mrs. Minett with the affirmative "yes" vote of all on roll call.

A motion to approve the 2021 Annual report was offered by Mrs. Maletsky, second by Mr. Lockwood with the affirmative "yes" vote of all on roll call.

A motion to appoint Mr. Lockwood at the Planning Board Liaison was offered by Mr. Carpenter, second by Mrs. Maletsky with the affirmative "yes" vote of all on roll call.

Application #1538 Michael Markovich, 6 Undercliff Road. The applicant is seeking a side yard variance to install a 12x8 foot shed. This application will be heard at the March 1, 2022 meeting.

Application#1534 Wendy Peredo, 8 Poinsettia Court. The applicant is seeking a front yard variance to demolish the existing house and replace it with a 3-bedroom home. This is carried from the December 7, 2021 meeting.

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

Mr. Carpenter read the 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:

1. New Account Escrow Information Sheet, dated August 10, 2021;
2. W9 Form, Request for Taxpayer Identification Number and Certification, signed by the Applicant, dated June 1, 2021;
3. REVISED Kinnelon Zoning Board of Adjustment Application for Development, signed by the Applicant;
4. Affidavit of Accurate Representation, signed by the Applicant, dated August 5, 2021, notarized;
5. Refusal of Zoning/Building Permit, Borough of Bloomingdale and Kinnelon, signed by Chris Walthour, Zoning Official, dated November 24, 2021;
6. Proposed Disposal System Replacement Drawings, enclosing four (4) sheets, prepared by Steven Baldisserotto PE, dated July 23, 2021, approved by Tim Zachok on July 30, 2021;
7. Property Survey, prepared by Joseph D. Greenaway PLS, Greenaway Surveying, dated September 29, 2021;
8. Borough of Kinnelon Tax Map Sheet No. 37.02, prepared by Robert L. Cigol, dated January 1, 2014, revised December 14, 2015, no revisions, and,

9. Architectural Drawings, Site Plan, and Elevations, enclosing six (6) sheet, prepared by Buchholz Architects, dated October 21, 2021, no revisions.

Project Summary

The subject property is a non-conforming lot with an area of 44,107 square feet where a minimum of 60,000 square feet is required. The lot frontage is conforming (242.11 feet is existing and proposed, where

a minimum of 200 feet is required). The subject property is improved with a two-story dwelling with a non-conforming front yard setback (40.4 feet is existing where a minimum of 50 is required). Other improvements including a driveway, tennis court, pool, and pool house.

The Applicant proposes to demolish the existing tennis court and restore the area with lawn, and demolish

the existing home and replace it with a new three (3) bedroom home, including a second story front deck,

a rear stone patio, an attached two car garage, and associated mechanical equipment. The Applicant has requested a variance for the front yard setback for the proposed second floor addition (40.4 feet is existing and proposed, where a minimum of 50 feet is required). The Applicant also proposes to demolish

the existing non-conforming pool house (48.1 feet is existing to the rear lot line where a minimum of 50 feet is required) with a conforming pool house (50.0 feet to the rear lot line).

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 \$250.00 is collected per §47-31.K. of the Borough Code (\$250.00 per variances to the primary structure per subsection (1) up to a maximum of \$500.00).

Technical Review

We provide the following technical comments:

1. Given the proposed area of disturbance, expanded driveway, and home footprint we recommend we recommend the owner agrees, as a condition of any approvals, to obtain a Soil Disturbance Permit from the Mayor and Council. The Applicant shall provide stormwater management sized to collect runoff from a 3" storm event for the increase in building footprint from the proposed home expansion, driveway expansion, and pool house.
2. If the application is approved, then we recommend the resolution of approval stipulates the applicant is required to submit an as-built survey to show all work was constructed according to the approved plans. The as-built survey shall be submitted to the Borough Engineer for review and approval prior to the issuing a certificate of occupancy.
3. If the variances are approved, then the applicant shall 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.

A motion to approve the application for a front yard setback variance of 40.4 feet, lot area variance, downward-facing lighting and subject to the Engineer's report was offered by Mrs. Maletsky, second by Mr. Bender with the affirmative "yes" vote of all on roll call.

A motion to adjourn was offered by Mr. Ott, 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