

Mr. Vivona recused

Mr. Weston (Temporary Chairman) asked for a brief overview of the application.

Mr. Petry said he had prepared the plans for this evening. The applicant had received a violation notice regarding some work that had been done in the rear portion of their property. In speaking with his client he was advised that they had hired a landscape contractor to do work in the rear yard of his property. During the course of the work the contractor suggested that he reconstruct the stone wall near the south westerly property line. He contacted Mr. Impink and there must have been some miscommunication as Mr. Impink indicated that he could move forward with the work and the applicant did. He reconstructed the wall as he was told the wall was on the property line. The resulting complaint was filed shortly after the work was completed because the grade within the area behind the retaining wall was raised more than 5 inches. There is no topographic information available for this area which tells what the actual grades were. We did our best to establish what we thought were the approximate grade were based upon the photos provided by the municipal inspectors who had inspected the property and by the applicant with historic pictures. In my opinion, what happened with this area (upper left hand corner of plan) is the wall was reconstructed along that property line and when you go on the site visit you will see that there is an old masonry wall (block wall) in the back portion of the property and at some point that block wall turned into a stone wall (pictures provided by Township). The new wall you will see is pulled back. You will see the end of the block wall and the new wall is about a foot inside of that. The survey provided when we initially were engaged (Casey/Keller) shows the original wall on the property line. The current survey shows the wall being approximately 1-1.63 ft. off of the property line. When the wall was being constructed it was pulled back from the property line to ensure that it did not encroach on neighbors. The top of the wall and in my opinion it still meets the landscape wall as it is less than three feet and that is what is required by ordinance. It varies in height, shorter in the rear of the property and as you get into the center of the property you will note there is a discharge point for a pipe which is tributary from an inlet located on the east side of the property. There are pipes that come into the inlet as well. The tributary there is fairly small and drainage runs through adjacent properties and to the great swamp.

The applicant requires three variances: 1) retaining wall w/setback distance less than 2 times its height and closer than five feet to the property line. 2) grading and raising the lot within five ft. of the property line 3) grading steeper than 1 on three vertically and vertically on three horizontally and that occurs as we meet the adjacent property line.

What has been done is a significant improvement as it has stopped erosion as shown in photographs, two of which were done by your inspector, showing the area behind the wall where it was eroding. There were clear signs of the erosion between the stone which constituted the wall and what is there today. The area is stabilized in terms of grade and landscaping materials.

Mr. Weston asked for any questions from the public.

Mr. Shaw pointed out that if persons were to testify then they will have to be sworn in.

Mr. Lima, was sworn in. He said the house was purchased a few years ago. When they had built the deck the lot had been graded over. Water from neighboring property washed the yard away. Rail Road ties fell off and soil disappeared. He had someone come in and put the drain in to the existing catch basin. He said he had gotten a call from Mr. Impink questioning the water flow on the property. He advised that he had put the curtain drain in and Mr. Impink said he had seen the permit. I explained the condition of the existing wall. Mr. Lima went on to explain their conversation and Mr. Impink told him to go ahead. He submitted and explained the pictures shown in exhibits A9 (dated 8/20/15) & A10.

Mr. Shaw suggested that Mr. Lima hold all the pictures for your presentation at the next hearing. We are just trying to get an explanation of what the application is about.

Mr. Petri said the grading done was in the area of the south westerly property line in the rear portion as it abuts the stone wall. What you will see is a wall about 2.5 ft. high (was about 1-2 ft. high) and has been raised to stabilize behind the wall. You will be able to see that with the photo submitted. There are some here in support of what was done.

Mr. Weston asked that Mr. Petri quickly point out on the map the location of drainage ditch and the location of the curtain drain.

Mr. Petri said the curtain drain was on the easterly side of the Lima property. He explained the purpose of it as well as the other drainage. What's shown is existing current conditions.

Mr. Lima explained there was a complaint issued and that was why it was being pursued by the township.

Mr. Weston advised that the site visit is scheduled for September 12th – 9 a.m.

Public Comment:

Mr. Guan, neighbor, gave a history of the construction. They didn't know anything about grading/regulations until finished. We complained to the Township. We only found out about the violations until last week when we got noticed.

Mr. Shaw thought that Mr. Ruschke, at some point, will give a clear history in his report which answers a lot of the questions. This matter will be carried to the regular meeting September 17th without further notice.

Mrs. Susan Cherba, 11 Mitchell Avenue – referenced the property to the right (new home). The level of the property there was raised considerably. She was amazed that it took place. It is considerably higher. There was some erosion over time and think there was some destruction of the patio because of it. The back yard was like a swamp and it never had been that way before. There was quite a bit of erosion. She felt that the problem caused to the Lima's was due to the construction by the property construction of the corner.

Mariam Vaziri,
43 Susan Drive,
Block: 20 Lot: 15.

Calendar BOA 15-20-15

Christopher Quinn, Attorney

Site Report Read into the Record

Mr. Quin said they were proposing a single family residence for the property. There were a number of questions raised by the Board at their site visit - i.e. building height, retaining wall, rear yard setback. We made a number of changes to the plans addressing these concerns. Referring to the Site Plan: We relocated the building by pushing it back to 24.1 ft. which makes it consistent with street; reduced the front of the house to about 24.5 ft.; by lowering into grade the height of the building will be 41.49 ft, which is approximately 3.5 ft. reduction; removed the rear retaining wall by redesigning.

Variance now need are for front yard, steep slope, height variance re: wall. Etc.

Mr. Vivona questioned the proximity of the house next door and was advised that there is only one house. John Ruschke referred to the plan where it shows a block wall. Is it a structural wall? You calculated the height/elevation and he felt the high should have been 42.3. For the record it has been reduced but it is 42.01.

Mr. Moschello,, Engineer referred to exhibit A23 (A19) - grading soil erosion dated 8/20/15, and sediment control. We will be on sheet 2 and will explain the other aspects as they are needed/referenced. The house has been moved back to 28 ft. (prev, 25,1), Some adjustments have been made around the structure but generally speaking the grading is basically the same. We lowered the house by lowering the first floor we have the garage floor at 1.5 ft. The grade along the curb on Susan Drive is about 424-427 to the top of the curb. We are 2.5 ft. below that curb line.

We eliminated the large retaining wall around the back (A19). Deck will be on a lower lever and we will be eliminating the wall. There is no grading below. At the corner you will see that the wall is 6 ft. high and we have actually made it a T to allow for an easement for future construction on the eastern lot..

Regarding slope disturbance remains the same even though we did eliminate the wall. The permanent disturbance is approximately 4000 sf. He went on to describe the various construction details as they pertained to slope; drywell and the process of stabilization. Trees will be part of the disturbances and will trim as we go throughout the project. We will be breaking it into sections to minimize the disturbance.

Mr. Moschello, outlined the first submitted and then described the revised version. First floor would be living space with the second floor being bedroom. The lower level could be a playroom. He went on to give the various elevations from different site of views. From the street the height of the building is 24.5 ft. which is consistent with surrounding homes.

Mr. Ruschke has a question regarding basement. The story is not more than 50 percent of the foundation wall is closed and the analysis is based on the actual easement conflict below. He felt it should be checked again based on the credit for the foundation below the floor.

A discussion ensued regarding question raised by Mr. Ruschke

Mr. Moschello, referred to A24 which showed the cross sections (8/20/15) of the neighborhood including steep slope. We do show some vegetation on the lot. Looking up from Sunset you would see the back of the house with vegetation that is in the rear area of the property. In the winter the leaves will be gone so there will be more open view of the area. What is there is mostly deciduous trees.

We have gone out and actually got the first floor elevations of the surrounding homes and what is proposed fits in with what is existing.

Lot 14 - 25.1	Lot 22 - 22.1	Lot 23 - 25.8	Lot 24 - 25.8
Lot 25 - 22	Lot 26 - 23.7	Lot 27 - 23.5	Lot 28 - 22.7

We are proposing 24.6 which is going to be essentially the same height as the house next door. The houses across the street are higher in terms of elevation with one house being 13 ft. higher. The elevations are different from our lot and the lots on the other side of the street.

There is no foundation below the first floor proposed for grading purposes. There are actually 2 steps up to the front door.

Discussion of elevations of the other two lots. It was noted that this lot is substantially higher.

Mr. Quin asked that Mr. Machello run through the variance relief requested.

Mr. Moschello, said there were 6 variances.

- 1) steep slope;
- 2) height;
- 3) front yard setback;
- 4) proposed change in existing grade (raising a portion of the lot 15 ft. from property line – elevating 4 ft. above the existing ground level of property);
- 5) retaining wall;
- 6) slope away from foundation re: trench drain

Mr. Vivona noted that 500 is allowed and you said 5770 in the 25% or greater slope of that 3000 of that is permeable disturbance (disturbance around the house and trenching)

A question was raised about previous testimony given regarding the structural retaining wall being less than 20 feet from the structure because the steps were incorporated into this wall.

Mr. Moschello, said by definition it is a structural retaining wall with a deck. These variances were previously mentioned by 4 and 5 but they have changed. Essentially what is proposed is 20 ft. and is basically zero because of the principal structure.

Mr. Vivona questioned the pillars for the deck. What will they be? Wood? Steel:

Mr. Moschello said there would be a concrete foundation. There is no rear yard. There is the typical grade along the side of the house where one could walk around to the rear of the property. We have not contemplated fencing at this point.

Mrs. Kenny felt that would be something that they would like to know because of safety issues.

Mr. Shaw thought the questions addressed with some of the other properties is that there rear yards are completely unusable and would be unsafe if someone to access them. Is this as severe as the other lots that needed fencing?

Mr. Moschello said there was a retaining wall there so you don't have to worry about the drop. If the Board believes it is necessary we will look into it. A split rail was suggested.

Mr. Shaw noted that would be to delineate the steep slope but not to protect the rear of the property.

Mrs. Kenny said she was going to ask about that. Referring to the left elevation she said she was interested in what kind of material that fence was going to be because she noticed that it extended to the car driveway/garage. Is that because of the drop?

Mr. Moschello said it was twofold. He noted the plan doesn't show the grading properly regarding the retaining wall and grades.

Mrs. Kenny felt at some point a discussion should be had regarding materials so we have a general idea of what will be there, including the color. Is the fencing PVC, wood, etc.? She also felt roof materials were important to know as well.

Mr. Shaw said the previous application went into great length about the color of materials they might use. It is something to be considered.

Mr. Vivona said he appreciated that the applicant had listened to the Boards comments and made the changes. You have lowered the house and moved it back. Everything we suggested you all pretty much addressed. We do have to get the calculations of the basement or else it won't fly. He pointed out that Mr. Ruschke might have to go through all super silt fencing which might have to be installed just incase we get a large storm. He said Mr. Ruschke will have a complete list of steps you will have to follow in order to construct. He asked if there was a plan for meshing to stabilize it while it is still raw.

Mr. Moschello, said stabilization would be necessary as it is too steep.

Mr. Kenny had a question regarding soil borings.

Mr. Moschello said they had talked about it and is something they have to do before we file to get a building permit. We have to determine if its historic fall or actually natural material.

Mr. Ruschke said it ends up being that they do the boring and they anticipate that may exceed their limits of disturbance and come back to the Board. They do it as part of a conditional approval after the do the borings, etc.

Mrs. Kenny thought what happened the last time is they did the borings and started construction and then realized he needed to go deeper/further out and he did that.

Mr. Ruschke explained to the applicants the circumstance pertaining to an application previously heard where they had a problem with the shifting of the soil and the steps that had taken to prevent this happening in the future.

Mr. Vivona asked if there were any questions from the Board/Public. None Heard.

Mr. Ruschke said he had written a letter on June 11, 2015 to the applicant which they had addressed

Mr. Moschello, explained what they had done regarding the request in Mr. Ruschke's letter.

Mr. Ruschke said that now the magnitude of the structural retaining wall is not as significant as was before. What you need to do is recalculate. He thought that some notes should be added such as the need for regular preconstruction meeting in coordination with contractors regarding lot grading, silt fencing etc. The sanitary sewer needs to be addressed as it doesn't line up with what was actually built in the field. We also need to show the enclosed fence in detail including any signage.

Mr. Vivona now that we have an issue with the third floor basement should they go deeper in case they have to dig deeper.

Mr. Ruschke said they should have to go deeper but they should look at the calculation to be sure as it could be an additional variance.

Mr. Vivona asked if they had lowered the height by lowering the building.

Mr. Moschello outlined what had been said he would check with his client's needs to see if more adjustments could be made.

This application was carried to the next scheduled meeting (September 17) without further notice.

Calusa Partners, Llc

16 Pine Street
Block: 85 Lot: 34.

Calendar BOA 15-85-34

Daniel Miller, Attorney
Mr. James Carroll, Architect
Mr. Edward Triano, applicant

Site Visit Report of 8/10/15 read into the record

Mr. Miller said it came to the attention of the architects that when they were preparing for tonight on the right side the drawings had shown that the proposed was 9.5. The second floor is cantilevered so on the second floor the variance will be 9.17 so we have revised the first pages of the drawing.

Mr. Shaw said the variance would still be the same but it is good to have that testimony.

Mr. Vivona asked if the cantilever had be included.

Mr. Miller said it had been included but we just did not have the measurement.

Mr. Edward Triano said he was an LLC Partner. They had acquired the property in March for renovation. The current house is a small 3 bedroom 1.5 bathroom house which is roughly 1200 sf. By today's standards it could be deemed inadequate so we plan to build a four bedroom 4.5 bathroom home. Because it is the lot is irregular in size we are looking at for some relief. As to room size – the bedroom on the first floor is approximately 10 x 12, Upstairs there is a bath then a right bedroom and a left bedroom which are approx. 12 x 13. The house was built in 1955 and I'm sure at that time it was a fantastic house but in today's market it is too small. There has been some work done on it over the years. It is a modest home. When you look what has happened to that block you will find at one end you have three million dollar homes. The landscaping between the properties – on the right hand side is mostly a screening bush/plants. We have 77 ft. on the right side to the neighbor on the right. It is their garage we'd be facing. On the other side there are some bushes and 1-2 small trees. It's a small lot.

Mr. Carroll, Architect was sworn and gave his qualifications. The existing lot is 21,018 sf. The width of the lot at the street is 75 ft. where 100 ft. is required so this is a pre-existing non-conforming situation. A normal R3 lot requires 20,000 sf. and this lot is 9,016 sf. so it is undersized. Whereas the other lots on Pine St. are substantially larger. The current front yard setback is 34.3 ft. where 50 ft. is required. We are proposing 31.2 ft. so a portico can be incorporated on the front of the house. The structure itself is not being extended. The building is staying on the existing footprint. The existing left yard setback is 7.5 ft. which will not be changed. On the right side is 14.3 and 10.1 in the rear. What is proposed is 9.5 because the lot itself is irregular or pie shaped. The rear yard setback variance is not being requested. Impervious coverage permitted in this zone is 40 percent or 3606 sf. The proposed coverage would be 37.8 or 2500. If the lot was a regular lot no variances would be required. It is not possible to construct without variances caused by the shape of the lot. The proposed construction is to basically make it fit in with the new homes being built in the area. It is not exceptionally large but more comfortable than what exists and would be more in keeping with the neighborhood. There are no detriments/impacts on the ordinance or the surrounding areas. There are no detriments in the granting of these variances. There are no environmental impacts. The proposed renovations are feasible for the neighborhood.

Mrs. Romano asked how big the house was in square ft. She was advised it was 2900 sf. It is to be a four bedroom home.

Mrs. Kenny asked if that included the basement.

Mr. Carroll said it did not include the basement. He said the basement will stay the same. Right now it is 42 x 20 w a crawl space along the back of the house. The attic is proposed for storage. Access has not been determined.

Mr. Triano said tearing it down and starting over was put aside as it was a non-conforming lot. He did not want to come before the Board with a mansion. The lot is small and you can only have a one car garage there. Didn't think it was worth it. We are not encroaching on the back but we are a couple feet away. I just wanted to make it modest.

Mr. Vivona said it was a nice level lot and you not taking down any trees and you are adding a truss along the back.

Mrs. Kenny questioned why no trees might come down.

Mr. Triano said if you look at the property there is one big pine in the back yard the rest are scrub trees. There are three hardwood trees on the front property. I was going to have an arborist look at them to see what if anything needs to be done with them. No trees have to be removed for the proposed addition. The irregular lot presents the problem.

Mrs. Kenny asked to go over what is being done. Your adding to the existing building. Just need a refresh.

Mr. Carrol pointed out the existing home on the plan. What we are proposing is to just square off the house in line with the other side. There is an existing garage that will be incorporated in the connection connected by the breezeway. We are going on top of the existing garage, stay on perimeter of the existing garage and then fill in area shown go back four feet and straight across and back to the corner. He pointed out the new area and it will all be two stories.

Mr. Ruschke thought they needed a variance for the deck. Plans were reviewed between Mr. Ruschke, Mr. Miller, Mr. Triano and Mr. Carrol.

Drainage, runoff and possible purchase of a portion of neighboring property to eliminate the need for a variance were discussed.

Mr. Vivona thought what was being proposed was good. The portico is bare basically. He was good with it.

Mrs. Kenny agreed. A variety of housing options are almost becoming extinct in this time. She like what was presented.

Mr. Vivona asked for any comments from the Board.

Mr. Ruschke said the only condition that he recommends is that part of the foundation location survey show the foundation high and low elevations.

Mr. Triano said he had a survey done but he understood that after he put the foundation in he would have to have it measured.

Mr. Ruschke is all we want to do is verify that all the heights will be correct.

Mr. Vivona ask for any further questions. There being none heard he asked if anyone wanted to make a motion.

Mrs. Kenny made a motion to approve the application with the stipulation that there be a landscape screening submitted. Her motion was seconded by Mr. Williams.

Roll Call: Mr. Vivona, Mrs. Kenny, Mr. Williams, Mr. Weston, Mr. Borsinger All in favor

Resolution will be read at the next regularly scheduled meeting.

Golden River Homes, Llc,
11 Sunset Drive
Block: 61 Lot: 16.
Steep Slope Variance.

Calendar BOA 14-61-16

**Announcement made to Public that this application will be carried to September 17, 2015
Without Further Legal Notices**

Meeting Adjourned

Respectfully submitted:



Mary Ann Fasano
Transcribing Secretary