

Mr. Riggs – there are a few changes. The main change is onto the driveway. We are removing the existing driveway and regraded. It will be replaced with the driveway we originally proposed. By doing that we basically flattened out the turning area which is much better for the site. We are raising the area of the driveway so that it is much flatter coming out. There is an area that has been flattened so cars can turn around. We have had to add a retaining wall that follows the area of the existing driveway. If you look at the plan it changes from a small line to a hatch area which is a retaining wall starting at 6 inches in height to a max. height of 3 ft. Our objective was to put soil against it (filling on the low side) so we can relieve some of the height concerns of the wall. There will also be landscaping on that side. There are walls that are 6 ft. and are right at the 82-84 contours. There is a section in the upper wall that is 5 ft. in height. We have spread the height of the walls and therefore can conceal the upper wall a little bit better. The lower wall will actually be concealed by landscaping. What happens by this change it increase some of the variances because the driveway meets the criteria of steep slopes. We have had to add one section because there are sections in the driveway between 15-20 percent. We have 20-25 percent – what is now being proposed is 916 sf being disturbed where it was 616 before. Over 25 percent you are allowed 500. If you look at sheet 3 we show the slopes there is cross hatching in the driveway areas and you can see that some of the driveway meets the 15-20 percent in front of the door, some of it meets 20-25 percent and some is greater than 25 percent slope. By us removing the driveway we are disturbing more steep slopes. There will only be one foot of pitch from the garage out to the far end which makes it far safer than what presently exists. The impervious coverage was proposed at 5112 and it is down to 4743 so we have reduced the coverage of the site. By regarding the driveway we also reduce the height of the building because of the flatter area. We have added landscaping as shown in our plan. Instead of one standard hedge we have broken up with various plantings. Most are evergreens. We are also maintaining the existing trees on site. There will be landscaping in front of the retaining wall and then lawn area.

Mr. Riggs – re: Banish report – the objective of the landscaping was to initially make sure there was a screening of most of the wall. The adding of the plantings will help with the runoff. Because we are removing pavement it will also lessen any runoff. The area will be stabilized with the plantings or lawn area. Part of our proposal is to stop all plantings at the right of way line so that there is nothing within the last 10 feet so that the area is open for visual entry/exiting of the driveway. The way the driveway is set up will be turning around and pulling out face forward. We do show 2 replacement trees on the plan which will not impede any sight distances.

Mrs. Kenny –on the 2nd page of the plan it shows a tree where the old driveway was but it is not on the plantings list.

Mr. Riggs – it will be a standard shade tree and will be added to the list. The size shown is the planting size. He submitted copies of the plants proposed (A30). He explained that some of the proposed plantings change colors, depending on the time of year.

Mr. Dalziel questioned the size of the walls. How much of the wall will be seen.

Mr. Riggs said the first wall on the south side will be pretty much concealed. The second wall there will be - because of variation in the heights of the plantings – there may be some visible wall but we then have plantings in the same area which will conceal it. We have plants going in that (will not conceal it completely) they will fill in and break up the wall as they will be at the height of the wall when planted. In my testimony last month I said that we were planting on the lower side of the driveway (Runnymede Side) – those plantings from the street side hide the wall because of the slope etc. On the other side of the wall is also an elevation of 88 and we have plantings 3 ft. high next to that which makes the top of them 91 without the street at an elevation of 76 – you will never see the wall. Most is box wood but we have tried to break it up a bit with various plantings.

Discussion on plantings. Mr. Riggs said that some of the plantings could be moved around if need be.

Mr. Shaw questioned any storm drainage issues due to the moving of the driveway.

Mr. Riggs – we will have to stabilize the soil while we build immediately after grading the area with much/lawn. As we stated last month we have all of our roof drains going into a drywell in the front which equalizes and actually reduces the runoff from the front of the site. We have eliminated additional pavement so we have reduced it by changing the macadam into lawn area. Last months plan showed more runoff. Our proposal last month, which included the existing driveway, was that we would take the roof drainage and collect them. We have the same plan with the same roof drain collection system but we eliminated additional pavement so we have actually reduced the runoff from this site. The storm water runs to the street as it does now.

Mr. Ruschke – said he recommended to the applicant was – first the DEP only recommends discharging roof leaders to drywells. They do not recommend pavement directed to dry well. Another reason I would prefer to have the roof leaders discharge to the drywell because it eliminates the amount of runoff that is being discharged on slopes in front of the property which would ultimately run over the retaining walls. By taking some of the roof water away you are reducing the amount of water flow.

Mrs. Kenny – where the old driveway used to be there is no other retaining wall further down?

Mr. Riggs – there is a wall there now which will be removed and the area will be filled with soil and will be grass area. It could be mulch or sod. This time of year I am sure it will be much as you cannot grow anything until spring.

Mr. Ruschke – said he would recommend, if the Board is going to consider the application, just to require that a lot grading plan be submitted and approved. I don't see any significant comments that I would have on the general configuration but I believe the Board would like to see more details. Details of the wall should be accurate. Need details for the construction of the wall etc. You need to specify that the utilities need to be adjusted. You are proposing a 6 ft. cut which one can assume would affect the utilities - they may need to be lowered and this should be shown on the plan. In the lot grading approval I would recommend that once they remove the existing driveway, given the steepness, they should immediately stabilize that with sod. Other details regarding the landing need more detail as it shows a 2 ft. drop. The walls also need more detail. Some of the other things I want to mention, I am not recommending this, but the Board should discuss it is that the need/consideration for vacating the driveway easements.

Mr. Shaw – it probably should be formally vacated. It could always be used for driveway purposes. I think a condition should be put in that it will be vacated.

Mr. Ruschke – re: shed – I don't recall testimony regarding the shed but it is a pre-existing variance. Is there a proposal to remove the shed?

Mr. Aral – the shed has been there when I purchased.

Mr. Dalziel – is there a reason why the driveway that you are proposing now kind of bulges out much to the east. He was advised it was for a turnaround. When they pull out of the driveway they can back up into it and pull out onto the street safely. It may look like additional parking but that is not the intent.

Mr. Dalziel asked for questions from the Board/Audience. None heard. Public Portion closed

Mr. Godwin moved that we accept the application as amended for the lot grading plan and additional confirmations of the continuation of the non-conforming shed and the plantings acceptable to the Boards Planner. The motion was seconded by Mr. Nelson Roll call – in favor – Nelson, Schmidt, Godwin, Hough, Kenny; Against - Dalziel

Christopher & Gina Zarro
125 Longwood Avenue
Block 72, Lot 7

Calendar Boa-09-72-7

Christopher & Gina Zarro, applicant
Donald Ballese, Balco Contractor

Mr. Zarro said they were first time homeowners. We purchased the home at the end of August. We submitted plans at that time and found we needed a variance. At that time we were told our hearing would be in the middle of September. September came and went and we heard nothing. When we questioned we were told it would be in the middle of October. We had started construction in mid September thinking that by October we would have an answer as to whether or not we could build the second story. When we didn't hear anything the bottom floor had been done we had to put a roof on it. If we put a roof on and then approved we would have to rip the roof off to build up. So we put the roof on just to protect the house from the weather.

Mr. Ruschke – you did submit a lot grading plan and architectural plans. It was denied because of the expansion on the second floor. The architect did come in and show how it could be constructed and still meet the ordinance. That architectural plan was approved. Building permits were issued based on that architectural plan. You made field decisions not to file the approved plans and you built what you wanted to build.

Mr. Zarro – the initial plans we had were for 3 bedroom house but the smallest bedroom was being converted to a bathroom. His revised plans made it a 2 bedroom house. He spoke to us and said he was confident that his plans would be approved. That is why we went ahead.

Mr. Dalziel – said his architect has appeared before this board several times and it's my experience he is an experienced architect. Did you consult him before you decided to build.

Mr. Zarro - he gave us the initial plans and then he realized we needed a rear yard setback variance because of the angle in the back. That is when he came up with the second plan without the second story addition. When we decided to cover the structure and put the roof on then I informed the architect and informed the board as to what had been done. We met with Mr. Impink who issued a stop work order on the second floor. We paid our fine and proceeded as instructed. We are doing everything but the back room.

Mr. Dalziel – did you consult with the architects or did you make the decision to proceed.

Mr. Zarro – I informed him after it was framed and the roof was on.

Mr. Dalziel – did you understand that you were proceeding at risk, with a decision that could advise you to reverse course.

Mr. Balesse – we did. We put a gable on just in case.

Mr. Dalziel – asked if Mr. Balesse understood that he was constructing something that was not approved and beyond the scope of you permit.

Mr. Balesse – I understood that. At the time I built it I knew a hearing was going to be heard on that part. I was looking to cover the house. I didn't feel I had much of a choice. Maybe I had a soft heart as it is my nephew and he had to be in the house by December. I would say we were caught with an open first floor and we were told we would be heard in September, then October and now it's November and we have an open back of the house.

Mr. Dalziel explained the process of the application. We as a board must review the plans as not constructed. Because it has already been constructed does not justify hardship. He then asked that the applicant to explain why a variance was needed.

Mr. Zarro – said a variance for the rear yard was needed as the required setback is 50 ft. The house is currently 3 bedrooms. The way the house was built was parallel to the street. The proposed is less by approx. 4 ft. Without the variance the proposed master bedroom would only be 8 ft. wide or we would have to angle it. We tried making a master bedroom with a bathroom upstairs. We converted the smallest bedroom into the bathroom. There is a half bath downstairs. The room is now 17 ft by 11 and if were allowed to do it the variance would be just over 8 ft. We have 2 children and hope to have more.

Mr. Dalziel – noted that variances are not user based but land based. The proposed size of the family is not relevant to us. He asked if the plan showed the first floor as it presently exists and was advised that the plan was the way it is.

Mr. Zarro – initially the kitchen was where the dining area is. The kitchen is now more toward the back of the house. The dining room is in the front. The living room is adjacent to the kitchen and the den is next to the living room. We just opened the den up to the living room. There was a wall which we opened up. The family room was there before but it was bricked in. The difference is in the $\frac{3}{4}$ length wall that went across. That is opened up. The doors over by the den we put those is so we could walk through. A temp. CO has been issued.

Mr. Dalziel asked for questions from the Board.

A suggestion was made that the applicant might want to come back with a professional such as an architect.

A site visit was scheduled for December 5th.- 9 am

Village Supermarkets
641 Shunpike Road
Block 48.17 Lot 126.04.

Calendar Boa 08-48.17-126.04

Mr. Jay Deleany, Attorney

Mr. Delaney was here with respect to Village Super Markets (Shop Rite) and the conditions as set forth in the February 18, 2009 resolution. We have notice and published as required and are here to schedule a site visit with respect to the conditions of that resolution. – (paragraph 6h of resolution)

Mr. Shaw advised that there would be a site inspection to review the site as required in the Board of Adjustment on December 5th - 9:30 am

Kelly & Jeff Patten
40 Runnymede Road
Block: 48.02 Lot: 13

Calendar Boa 09-48.02-13

Mr. Nelson stepped down as he is a friend of the applicant.

Mr. Patten, having been sworn, said they were here to apply for a variance for the front yard which requires a 50 ft. setback. Our house falls at the 43 ft. line. We would like to install a front portico (4 ft) coming out from the house with a total width of 8.67 ft. There will be 2 fiberglass columns to land on the existing portico. We are not increasing our coverage.

Mr. Dalziel – referenced the photo in the application which shows the existing. The roof comes to the edge of the house? The portico is basically symmetrical on the front door.? The applicant confirmed both questions.

Mr. Patten said the purpose of the portico was to provide coverage to the entrance in inclement weather. That is our only change. We basically, from the left to where the proposed portico, is in tyvek and has not been sided pending approvals. Our stoop is the 4 ft. shown. We are doing recessed lighting inside of the portico. Mr. Patten had pictures of neighboring houses (A11) showing portico's specifically the neighbor next to them. Our portico will not be to the size of the larger one although their frontage is a bit larger than ours.

Mr. Dalziel asked for questions from the Board/Audience. There were none

A site visit was scheduled for December 5th around 10 am.

Mr. Shaw pointed out that this application is very straight forward so he will be preparing a resolution so that if the board wants they can take action on this in the December meeting.

Meeting Adjourned.

Respectfully submitted
Mary Ann Fasano
Transcribing Secretary.