



2. Number of laboratory tests are insufficient, 5 were completed but 5 additional are required
3. Lab reports show soil contamination in 2 samples in excess of NJ DEP standards

Mr. Hall asked if the applicant would be able to provide these items at least 10 days prior to the next meeting.

Mr. Izadmehr, applicant's Engineer, stated he would provide the items requested prior to the January hearing and informed the Board that the samples were only slightly over the limits and will be finalizing a DEP administrative consent order.

Mr. Hall recommended deeming the variance application complete but the Soil Disturbance application incomplete.

**Motion** made by Mr. Price to deem ZB-18-01 – Marco Sardeira & Isabel Vieira – B: 47 L: 23.05 – 40 N. Lebanon Rd - retaining wall variance application complete.

Second: Mr. Soga

Abstain: None.

A voice vote was taken and all eligible members present voted in the affirmative

**Motion** made by Mr. Price to deem ZB-18-01 – Marco Sardeira & Isabel Vieira – B: 47 L: 23.05 – 40 N. Lebanon Rd – Soil Disturbance application incomplete.

Second: Mr. Soga

Abstain: None.

A voice vote was taken and all eligible members present voted in the affirmative

Mr. Price announced that this case will be carried until the January 16, 2019 meeting at 7pm with no further notice

[Break at 7:22pm]

[Mr. Bauer and Chairman Spina arrived at 7:52pm]

Mr. Price turned the meeting over to Chairman Spina

ZB-18-09 – Keith Bauer – B: 39 L: 8 – 21 West Valley Brook Rd – Setback and impervious coverage variances – **Hearing (continued from November 7)**

Jeff Careaga discussed the details of the revised plans based on Board feedback sliding the garage back on the property, behind the actual house setback, and closer to the dwelling so the side yard setback variance will no longer be required. The NJ DEP transition area waiver will be sought if the new location is approved by the Board.

Mr. Hall reviewed his December 3 report.

There was some discussion regarding the Conservation Easement, which it was decided should be determined after the NJ DEP Transition Area Waiver is granted, and finalized by Mr. Hall and the applicant's Engineer.

Mr. Hall asked how high the modified garage is.

Mr. Careaga stated that it is 20' 6" from garage floor to peak, which is the same as the previous submission, with average grade to peak 21.95.

Mr. Hall inquired how much soil would be exported.

Mr. Careaga stated 80 cubic yards will be removed.

Mr. Hall explained that anything under 100 cubic yards is exempt from Soil Disturbance requirements.

Chairman Spina asked what the the size of the new building is.

Mr. Careaga stated it is 30x40 and was 30x60 with a height very similar to the house.

Planner Banisch discussed with the applicant a steeper roof pitch but without architectural details this can not be confirmed.

During a garage height discussion it was revealed that the garage will be used for storing RVs.

Mr. Hall suggested keeping the 20' height just lower the sides providing the steeper roof pitch to be more similar to the house while still allowing garage door height for the RV storage.

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Planner Banisch recommended a condition to coordinate garage color with the home and submit architecturals for Mr. Hall or Planner Banisch to verify changes were made as described.

Mr. Careaga stated that the Bauer's planned on painting the house to match the garage.

Motion by Mr. Soga to approve ZB-18-09 – Keith Bauer – B: 39 L: 8 – 21 West Valley Brook Rd – Setback and impervious coverage variance application subject to conditions discussed.

Second: Ms. Gorini

Ayes: Mr. Bauer, Mr. Price, Mr. Ort, Ms. Gorini, Mr. Soga, Ms. Walter, Chairman Spina

Nays: None

Abstain: Thauer

ZB-18-02A – Life-Giving Fountain Romanian Orthodox Church – B: 51 L: 13.03 – 132 Califon Rd - Site Plan

Mr. Selvaggi, Esq. questioned the draft Resolution where it states on Page 11 comment #4 'no services shall take place after 5pm and no other use of the Cultural Center after 10pm from November through February'.

A discussion ensued to determine agreeable wording of this condition.

Planner Banisch and Ms. Fraser, Esq. suggested removing the condition limiting worship services completely, as this is a house of worship that has certain use rights, but leaving no other use of the Cultural Center after 10pm.

Chairman Spina also noted that there are two item #10s on Page 5.

A letter from the Schooley's Mountain Fire Company was discussed to determine if additional requirements need to be considered to address these concerns.

Ms. Fraser, Esq. swore in Mr. William Glennon, Chief of Schooley's Mountain Fire Company.

Mr. Glennon stated the parking on the right side of the church limits fire lane access to the right side of the building not just for fire but a possible rescue operation. With the height capability of the current ladder truck a rescue from the steeple would not be possible. Also, with water supply in that area being limited, it may take some time to get

water flowing in case of fire being that the next nearest aerial ladder is about 20 minutes away.

Chairman Spina asked if the Fire Company would bring their equipment onto the property if there was a fire.

Mr. Glennon stated if he felt it was unsafe he would probably park his equipment on Califon Rd. for a 'surround and drown' operation. Once construction is completed the situation may be different.

Some engineering comments were discussed, like widening the driveway, to possibly accommodate emergency access, but the applicant's representative stated these changes may be cost prohibitive unless the Board will approve the grass pavers.

Mr. Hall stated that the 13 ft driveway meets the Site Plan code while the 20 ft fire lane access is a different code that the Board has no jurisdiction over. He also recommended that if it is decided to increase the driveway width to 20 ft it should be all pavement and will impact the configuration of the infiltration basin.

Planner Banisch stated NFPA standards have not been applied to a Site Plan application and the Fire Company's recommendations are not binding.

Mr. Selvaggi, Esq. emphasized that this is an all wooden church that will burn quickly and noted that there are two tall churches that have been here for hundreds of years having no need for this.

Chairman Spina still had a real concern for fire safety and asked who bares the risk.

Ms. Walter referenced a Hastings Square issue where in some areas the buildings are too close to get a fire truck between them so the fire company will not go into those areas because of the potential collapse.

Mr. Glennon was thanked for his time and effort and bringing these concerns to the Board.

Mr. Selvaggi, Esq. acknowledged that there is a safety issue and the applicant bares the risk.

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***CLOSE TO THE PUBLIC***

Mr. Price noted that on Page 4 Section 8 there is a spelling error, under stormwater management, suspended sold should be solid.

Motion by Mr. Soga to approve Resolution 2018-15 as amended for ZB-18-02A – Life-Giving Fountain Romanian Orthodox Church – B: 51 L: 13.03 – 132 Califon Rd - Site Plan application.

Second: Ms. Gorini

Ayes: Mr Bauer, Mr. Price, Mr. Ort, Ms. Gorini, Mr. Soga, Ms. Walter, Chairman Spina

Nays: None

Abstain: Thauer

Ms. Gorini asked how long ago the Fire Company was asked to provide their comments.

Planner Banisch reminded everyone that these are volunteers and sometimes that happens.

ZB-18-10 - John & Judith Killion - B: 43 L: 3 – 210 Parker Rd. – pool and detached garage variances -  
**Completeness and possible hearing**

Mr. Sposaro, Esq. stated that Mr. Hall's report recommends completeness.

**Motion** made by Mr. Price to ZB-18-10 - John & Judith Killion - B: 43 L: 3 – 210 Parker Rd. – pool and detached garage variance permit application complete.

Second: Mr. Soga

Abstain: None.

A voice vote was taken and all eligible members present voted in the affirmative

Ms. Fraser, Esq. swore in John Killion, Sr. and John Killion, owners, and Paul Ferrero, Planner

Mr. Killion is currently living with his wife in Hoboken, purchased his parent's farm. The existing house is modestly sized with two bedrooms and desires expanding it to accommodate a larger family by adding an addition to the existing house, renovating the existing detached garage and office space, and adding a pool in the future. The proposed two story addition would include four bedrooms and a dining area and full basement.

Mr. Killion Sr. undertook running his father's farm and horse company after his father's passing, then purchased it in 1974. There was an existing apartment in one of the barns, which was constructed in the mid 1960s, and a smaller one in another barn that could be used in a pinch. Mr. and Mrs. Killion intend to move out of the small house and move into one of the barn apartments. In 2005 a deed of easement was recorded relinquishing development rights to the County and State for some of the property.

Planner Banisch asked if the office space is being used.

Mr. Killion, Sr. stated it has been used as a home office which his wife uses to conduct foundation business.

Mr. Hall asked what the proposed studio above the detached garage would be used for.

Mr. Killion stated he is a financial consultant and can work in Hoboken, Bedminster or in the home office.

Mr. Ferrero spoke to the proposed improvements. Mr. Ferrero described the existing property and structures along with the proposed changes displaying Exhibit A1, handouts of the same were distributed.

[Break]

Sheet 3 Grading Plan dated 9/10/18 was displayed.

Mr. Hall requested a condition that applicant must apply and obtain a DPW driveway alteration permit.

Mr. Ferrero pointed out the highlighted wetlands area at the back of property with 150 ft buffers.

Exhibit A2 Septic plan dated 12/4/18 Sheet 2 of 3 was displayed.

Mr. Ferrero stated that the apartment will be connected to MUA and the existing home already is.

Mr. Ferrero went through Mr. Hall's comments.

Mr. Ferrero stated that the total excavation of the basement and pool area will be used to create a berm by the future pool area leaving 500 cy of material which will have to be exported off site.

Sheet 3 of 4 Steep slopes sheet revised through 12/4/18 was displayed.

Mr. Ferrero stated that the existing steep slope was isolated and had been created from prior construction.

Mr. Hall stated steep slope variance is not required in this case.

Mr. Ferrero spoke to Planner Banisch's comments.

Mr. Ferrero spoke to the positive and negative criteria stating that the accessory structure front yard location is due to the wetland buffers. The 22 acre preserved farm and apartment is an ideal use by applicant's parents since structures are already there and their purpose of caring for horses which require 24 hour management.

Mr. Ferrero stated he believes there would be no substantial detriment, with the apartment having been there for 50 years with no one noticing, the septic is being upgraded, and the master plan encourages farmland and agricultural activities which this will remain as.

Chairman Spina asked about other workers living there.

Mr. Ferrero stated that the "farm" allows for either family or farm labor to live on the property.

Planner Banisch asked if the deed of easement could be changed to reflect the correct Block and Lot.

Ms. Gorini brought up the time limits on the variances as construction permits must be pulled within a year from approval.

The applicant requested a 5 year building permit limit for just the pool.

Motion made by Mr. Soga to approve ZB-18-10 - John & Judith Killion - B: 43 L: 3 – 210 Parker Rd. – pool and detached garage variance application.

Second: Ms. Gorini

Ayes: Mr. Bauer, Mr. Price, Mr. Ort, Ms. Gorini, Mr. Soga, Mr. Thauer, Ms. Walter, Chairman Spina

Nays: None

Abstain: None

### ***VOUCHERS***

Motion by Mr. Soga to approve payment of vouchers

Second: Ms. Gorini

Voice Vote: All members present voted in the Affirmative

### ***DISCUSSION – CORRESPONDENCE***

Chairman Spina stated that anyone with expiring terms must be interviewed so schedule your appointment.

Chairman Spina stated and he and the subcommittee interviewed six candidates for the position of Attorney and are recommending Anthony Sposaro, Esq.

Motion by Mr. Soga to authorize Chairman Spina to extend the Zoning Board of Adjustment Attorney position to Anthony Sposaro, Esq.

Second: Ms. Gorini

Voice Vote: All members present voted in the Affirmative

The Board members extended their appreciation and sadness for Ms. Fraser retirement.

### ***ADJOURNMENT***

Motion by Mr. Soga to adjourn at 10:19 p.m., which was seconded by Ms. Gorini.