

**TOWNSHIP OF PEQUANNOCK
BOARD OF ADJUSTMENT**

August 4, 2011

REGULAR MEETING

Meeting Convened: 7:35 PM

Members Present: Cielusniak, Herforth, Imfeld,
Melleno and Way. Also present
Anthony Wahl, Board Attorney and
Eileen Banyra, Board Planner.

Members Absent: Bruno, Dolengo, Hebert

Notice: Member Imfeld stood in as the
Chairman and stated that the
Sunshine Law had been complied
with by posting the notice of date,
time and proposed meeting on the
bulletin board of the Municipal
Building on July 29, 2011 and
sending it to the six area newspapers,
including the legal paper on July 29,
2011.

Mr. Melleno, Alternate Number 1 stood in as a full voting member.

Handel application was carried to September 1, 2011 with no further notification necessary.

Mr. Scangarella asked the Board whether they were considering revising the denied resolution for T-Mobile 30 Hillview. Mr. Wahl explained to Mr. Scangarella that the two members who voted on the resolution agreed that the resolution was in order and should remain as written.

PUBLIC HEARING:

LeGates, 19 Tilley Avenue, Block 2604, Lot 10
Front Yard Variance

William LeGates, Jr., sworn.

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Mr. LeGates informed the Board that he wants to add a six foot front porch to his home, which will encroach into the front yard setback by one foot nine inches.

Mr. Imfeld stated he rode around the neighborhood and asked the applicant if there were any other dwellings in the neighborhood with porches that protruded into front yard setbacks. Mr. LeGates stated his neighbor at 17 Tilley has a porch at 44 feet front yard setback and his setback will be at 45.8 feet. Mr. LeGates stated that from his front porch you could see seven porches. Ms. Banyra stated that in 2008 there was a change in the ordinance regarding averaging for front yard setbacks. Before the ordinance change an applicant could average all the homes on their side of the street to determine front yard setback but now you could only calculate the home to your left and right. Ms. Banyra stated that because of the previous ordinance 17 Tilley went directly through the Construction Department for a porch at 44 feet as well as 16 Tilley at 33.9 feet and 23 Tilley at 46 feet. Mr. Imfeld stated that the average front yard setback of the adjacent dwellings to the LeGates is 47 feet and the LeGates are asking for a variance of 45.8 feet.

Mr. Cielusniak asked how long the porch was. Mr. LeGates stated the porch will be 32 feet. Mr. Wahl stated the plan states 31 feet 9 inches. Mr. Wahl asked if the stairs will be covered. Mr. LeGates stated the stairs will not be covered. Mr. Wahl stated the steps have a 2 foot elevation.

Motion to open the meeting to the public. All in favor. Motion Carried.

Michael Handel, 22 Foothills Drive, Pompton Plains, sworn.

Mr. Handel stated he is familiar with the project and that it is a second floor addition and he thought the front porch would soften the look of the house and he felt the applicant has made an investment in the town and thought favorably of the project.

No one else made comment from the public.

Motion to close the meeting to the public. All in favor. Motion Carried.

The Board deliberated.

MOTION by Herforth, second by Way to approve the application as submitted to the Board. Yes votes from Herforth, Imfeld, Way, Cielusniak and Melleno. Motion Carried.

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There being no further business motion by Herforth, second by Melleno to adjourn the meeting at 8:04 PM.

Respectfully submitted,



Linda Zacharenko
Recording Secretary