

TOWNSHIP OF PEQUANNOCK

BOARD OF ADJUSTMENT

MARCH 5, 2020

REGULAR MEETING

MEETING CONVENE:

7 PM

MEMBERS PRESENT:

Aikey, Driesse, Hebert, Imfeld, Melleno, Shuttlesworth, Hart and Dolengo. Also present Clifford Gibbons, Esquire, Board Attorney and Jill Hartman, Board Planner.

MEMBERS EXCUSED:

Quigley

MEMBERS ABSENT:

NOTICE:

Chairman Dolengo 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 February 28, 2020 and sending it to six area newspapers, including the legal paper on February 28, 2020.

MINUTES:

January 16, 2020 – Reorganization Meeting
Motion by Aikey, second by Hebert to approve the minutes as submitted. All in favor. Motion Carried.

Mr. Imfeld took the oath of allegiance to the Board of Adjustment. Mr. Imfeld's term will end in the year 2023.

PUBLIC HEARING:

Martino, 11 Sanders Place, Block 2102, Lot 5
Impervious Coverage

Allessio Martino, applicant, sworn.

Mr. Martino stated that at present they have an above ground pool and would like to install an inground pool along with pavers surrounding the pool, which will bring the impervious coverage of his property to 43.97% where 35% is permitted.

Steve Baldisseretto, Engineer for the applicant, sworn.

Ms. Hartmann stated that currently the site is over the allowable coverage at 37.2%. Ms. Hartmann stated that the proposed patio surrounding the pool could be substantially reduced. Ms. Hartmann felt that the macadam by the garage and the ground level patio could be removed. Ms. Hartmann felt that the design could be reconfigured to get closer to what is permitted. Mr. Martino stated they are requesting a 3- or 4-foot area surrounding the pool and a sitting area. Mr. Aikey asked if the coverage calculations were correct. Mr. Baldisseretto stated they were correct. The existing impervious coverage calculation with the above ground pool was 344 square feet and the inground pool will be 548 square feet. Mr. Melleno noted there was a carport off the side of the detached garage and that there was macadam going up to the carport and asked if that area was necessary to be paved. There was discussion by the Board and the Board Planner as to what impervious coverage could be reduced on the site. Mr. Baldisseretto stated that the client's property is on a cul-de-sac, which increased the impervious coverage percentage. Mr. Driesse stated he did the calculation taking that into effect and it would reduce the impervious coverage to 42.4%. Mr. Driesse felt it was too much impervious coverage and that it should be reduced. The Board asked the applicant to come back to the Board with a plan that clarifies all the areas that will be removed and reduction in impervious coverage.

The Board carried the application to the April 2nd meeting.

Anello, 22 Foothills Drive, Block 202, Lot 4
Impervious Coverage and Height Variance

Christopher Anello, applicant, sworn.

Lindsay Janal, Esquire, attorney for the applicant.

Frederick Meola, Engineer for the applicant, sworn.

Ms. Janal stated the applicant is before the Board seeking a hardship variance for pre-existing conditions on his property. The applicant purchased the property in a private sale in 2019. When

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the applicant applied for a Certificate of Records Clearance from the Construction Department in order to purchase the property, he agreed to undertake certain work in order to be granted the Certificate of Occupancy. The Certificate of Occupancy has never been granted for the property. The dwelling was originally built in 2005 with deviations from the plans submitted to the Construction Department. The applicant is now trying to apply for a Certification of Occupancy. The applicant is before the Board for deviation from the roof height, impervious coverage and clarification on the pool house use. Ms. Hartmann stated the previous owner went before the Board and was granted a height variance on the accessory building, which is the garage/pool house. The accessory building was to have three bays for storage of vehicles and storage of a boat, a mezzanine that was not to be finished with a height of 6 feet 8 inches, a playroom, storage room, a pool equipment room and a pool filter room. Ms. Hartmann stated the resolution from 2005 specifically stated there would be no connection to the sanitary sewer line or septic or installation of a toilet. There is a toilet in the pool house. The building never received any final walk through by any construction official. Ms. Hartmann stated she never inspected the building but in the now applicant's plans it shows the outline of kitchen cabinets.

Ms. Janal stated she would like to start with the variance for roof height. Ms. Janal stated there is a decorative roof spier that is 36.9 feet where 35 feet is permitted. The roof is two feet higher than what is permitted by code. The applicant is seeking that variance because to bring the roof to code would be detrimental to the applicant because there is a lot of duct work in that section of the roof and it would be costly to remove the roof.

Mr. Meola stated that in order to bring the dwelling to code you would have to take off the roof and replace the duct work. Mr. Meola stated that most people driving up the street would not be able to distinguish between a 35-foot roof and a 36.9-foot roof. Mr. Meola stated it would be so costly to fix the roof that would it be worth it for the two feet. Ms. Hartmann stated she had a letter from Mr. Grant which stated that he has never received a permit for the construction of the addition to the roof. Mr. Grant's letter stated that if the added roof brings the attic higher than 7 feet then that space would be classified as a story above grade which would make it a three-story structure. Mr. Meola stated he didn't believe that was so. Mr. Dolengo stated that that was his opinion and that the Board didn't know if that was accurate. Ms. Hartmann stated right now that area is a 481 square foot bedroom so it must have heights of seven feet at least. Mr. Anello stated that the ridge line was right above that room which had nothing to do with the ceiling height. Mr. Anello stated he would measure the height of the added-on roof. Ms. Hartmann stated the Township permits two and-a-half stories and if the area was over 7 feet, they would need an additional variance. Ms. Janal stated that if the bedroom area was over 7 feet, they would be applying for a third story variance. Mr. Melleno stated that the applicant had to know prior to purchasing the house that there were problems and that is why the house only had a temporary certificate of occupancy. Mr. Anello stated he was aware of most of the issues with the house but not all of them. Mr. Anello stated he knew about everything except for the impervious coverage issue. Mr. Imfeld noted that on the Records Clearance Certificate given by the Construction Official there was a specific section that stated that Christopher and Adrianna Anello would take

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responsibility of four items, which were closing out permits, filling out permits, repair and finish all items needed to get a certificate and remove roof add-on cap. Mr. Anello stated in the beginning he was going to take the cap off because when Mr. Grant saw it being constructed, he thought it was simply popped on top as a decorative piece. Mr. Imfeld asked what was under the spier. Mr. Anello stated he does not know what is under the peak. Mr. Anello stated there are air conditioning ducts in the peak area. Mr. Driesse stated that the peak was added on after the house was done and asked why it couldn't just be taken off. Mr. Gibbons asked if the additional bedroom below the peak was ever approved. Ms. Janal stated the reason they are before the Board is because the person who built the house did a lot of add-ons without permits and she doesn't know if the house was permitted as a six- or five-bedroom house. Mr. Dolengo stated that the Board is going on a lot of hearsay and felt someone should inspect the house. Ms. Janal stated they have as built architectural plans. Mr. Dolengo stated that the architect is not present. Mr. Imfeld asked if the applicant had an estimate of cost to remove the added-on roof. Mr. Anello stated he got an estimate of \$50,000. Mr. Gibbons stated he would need an estimate that showed exactly what would be entailed in the cost estimate, the scope of work. Mr. Anello stated all the insulation and duct work would have to be redone for the top floor. Duct work is just for the air conditioning. Mr. Anello stated the air handlers are in the peak area also. The air handlers are just for the upper floors. The duct work and air handlers are not in the capped area, but Mr. Anello stated they would have to be removed in order to redo the roof.

Ms. Janal stated there is also an issue with impervious coverage which is 42.97% where 30% is permitted. The survey shows considerable driveway area, pavers and pavers around the pool. Ms. Hartmann stated the approval showed a relatively narrow driveway that went down the three-car garage to the back of the garage and that was to be gravel only. The previous owner put in an expanded driveway and paved it and then he put a concrete pad on the north side of the pool house that goes the entire width of the garage and four feet wide. Ms. Hartmann stated at the time of the original approval gravel was considered pervious but that is no longer the case. Mr. Meola stated the applicant did not know about the impervious coverage issues when he purchased the house. Mr. Meola stated the driveway is heated so there is underground piping with Belgian curb. Mr. Meola stated that the previous owner made the circular driveway in the front wider than it was supposed to be, he put brick paver all the way back to the garage and the pool was to be rectangular with concrete around it and now it is larger than a rectangular pool and it has brick pavers right to the fence surrounding the pool. Mr. Imfeld asked that with all the additional impervious coverage how that would affect the drainage on the property. Ms. Hartmann stated that if the Board approved this plan that a condition of the resolution should be that the Board engineer review the plan and determine whether additional seepage pits should be installed. Mr. Meola stated there were seepage pits installed but he didn't know if they were large enough to handle the drainage. The applicant stated he would take the concrete pad along the garage out. Mr. Anello said to reduce the impervious coverage he would remove the concrete pad behind the garage, and he would remove some area around the pool and the walkways. Mr. Meola stated the concrete pad is 300 square feet, the walkways coming from the deck area to the pool is 180 square feet.

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Mr. Aikey suggested the applicant come back to the Board with revised plans showing exactly what he is willing to remove from the property and what the actual numbers with regard to the impervious coverage calculations will end up being. Ms. Hartmann stated the applicant will also have to come back due to the bedroom situation and the applicant should go into the construction department to look at what was approved as far as bedrooms.

Ms. Janal stated the accessory structure, which is the pool house, currently has a half bath but does not have a kitchen. Ms. Hartmann wants the plans labeled so in the future everyone knows exactly what is in the accessory structure. Ms. Hartmann stated the height of the mezzanine must be 6 feet 8 inches and that has to be measured and also put on the site plan. Ms. Janal stated the mezzanine is not finished. Ms. Hartmann stated the 2005 resolution stated the height of the accessory building would be 23 feet high.

Ms. Janal stated the applicant will come back to the Board and at that time answer all the questions brought up at this meeting such as; how many bedrooms were approved, whether the roof spier can be removed and the cost of that, calculations to see if the dwelling has a third floor, changes to the impervious coverage, remove cabinet drawing on the accessory building plan, measure accessory structure mezzanine, removal of the half bath in the accessory structure and shoot the height of the accessory structure. Mr. Gibbons wanted it specified as to what is in the roof cap.

The Board carried the meeting to the April 2nd meeting.

There being no further business motion by Imfeld, second on Hebert to adjourn the meeting at 8:34 PM. All in favor. Motion Carried.

Respectfully submitted,



Linda Zacharenko
Recording Secretary