



Ayes: Blodgett, Fedun, Iyer, Kabis, Stenull, Rosenthal and Wallmark  
Nays: None

Mr. Pontier continued with the bulk variance request. The property contains a single family dwelling, a patio, in-ground pool, putting green, driveway and other related improvements. The existing nonconformities include the side yard setbacks of 31.7 and 31.9 feet where 40 feet is required, lot frontage of 171.5 feet where 200 feet is required and lot width of 154 feet where 200 feet is required. The application is for the extension of a portion of the asphalt driveway, construct a parking area off of the driveway, remove a portion of some of the driveway, replace and add additional landscaping, extend the rear patio and install an outdoor kitchen. Drainage improvements including two 500 gallon seepage tanks will be installed. A variance is requested for lot coverage to permit up to 19.4% where there is currently 16.3% and 15% is permitted. The application materials show 15.2% existing and 18.3% proposed but it has been determined that the putting green is impervious so those numbers have changed.

Ms. Goldman noted that the engineering plan and landscaping plan are not consistent and asked which plan the numbers are based on. Mr. Pontier said the numbers are based off the landscape plan. The landscaping plan is what is proposed and if approved the engineering plan will be revised.

Mr. Pontier said two design waivers are being requested. They are for planting of street trees since there is already mature landscaping along the property frontage and to permit the outside kitchen to be within 8½ feet of the principal dwelling where 20 feet is required.

Brian Knisely, Cedar Creek Landscaping at 379 Pennington Titusville Road, was sworn in. Mr. Knisely is being presented as a fact witness. He described his experience in the landscaping field. Nectar Landscape designed the plan. The current driveway is awkward when two cars pull in and there is no turnaround room so a circular driveway is proposed. A colored rendering of the landscape plan dated 1/7/20 was marked as Exhibit A-1. A revised driveway entrance plan was marked as Exhibit A-2 showing it updated to meet Code and the new concrete sidewalk along Kildee Road. A lot of new non-invasive native species plant material is proposed including 33 trees (30 are required). The applicant will work with the Township Landscape Architect to finalize the plant list and add it to the landscape plan. The proposed planting list was marked as Exhibit A-3. A zoomed in version of the landscape plan showing the foundation plan dated 1/7/20 was marked as Exhibit A-4. The patio will be expanded for better use of the area that will include a seating area with a grill station. There is a new Belgian block walkway, path and parking area. The landscape materials will include bluestone, Belgian block, Tennessee lime stone and tar and chip areas. The outdoor kitchen detail was marked as Exhibit A-5.

Ms. Goldman asked for confirmation that the driveway shown on the landscape plan doesn't impact the septic. Mr. Knisely testified that the loop on the driveway is identical on both the landscaping and engineering plans. There was discussion about installing Belgian block so cars could not drive off the driveway onto the septic field.

Mr. Knisely testified regarding the outdoor kitchen. It will be stone with a concrete footing 3 feet down below the frost line (concrete block wall veneered in natural stone). There is a recycling can/garbage bin cabinet, a few cabinets, sink and countertop. The grill will be natural gas. The Nectar landscaping plan shows the kitchen area is approximately 20 feet from the dwelling and the grill is approximately 27 feet. If required, the water from the sink could be run to the septic. Mr. Darji commented that the utilities to the new improvements should be shown on the engineering plans.

The Board questioned Mr. Knisely regarding his experience and accepted him as an expert landscape contractor on a motion by Mr. Blodgett and seconded by Mr. Kabis. The motion carried on the following roll call vote:

Ayes: Blodgett, Fedun, Iyer, Kabis, Stenull, Rosenthal and Wallmark  
Nays: None

Mr. Knisely opined that the proposed improvements will be aesthetically pleasing and improve the overall appearance of the property. The existing landscaping is dated and has invasive species. The driveway as proposed is much more functional and will be safer. If multiple cars pull in they have to back down the driveway to exit. Between what exists and what is proposed there is a substantial buffer between the property and the neighboring properties. Mr. Knisely summarized the sequence of construction.

Vice Chairman Fedun opened the meeting to the public to question Mr. Knisely. There were no questions.

Jeff Egarian, 271 Route 46, was sworn in. Mr. Egarian gave the Board his qualifications and was accepted as an expert engineering witness. Mr. Egarian referenced the Site and Grading Plan dated 3-12-18 revised through 1-21-20 marked as Exhibit A-6 and described the existing conditions on the property. There are two 500 gallon seepage tanks proposed to accommodate the increase in impervious area. The overall difference in impervious coverage between the engineering plan and landscaping plan is approximately 101 square feet more is shown on the engineering plan. The putting green has a gravel base so it has been included in the impervious coverage calculations. The property is served by public water, gas and a septic system. There is one construction access and the other shown on the plan will be removed. The associated grading will yield approximately 44 cubic yards of soil to be exported from the site. Bollards are proposed to demarcate the septic field rather than Belgian curbing to prevent someone from driving over the field. Details of the new septic system piping under the driveway will be provided to the Health Department. The existing impervious coverage is

16.3% with the putting green. Based on the landscape plan, with the 101 square feet subtracted out, the impervious coverage will be 19.2% including the putting green.

Mr. Pontier agreed that if the as-built drawing shows impervious over 19.2% or 17,737 square feet the applicant will have to comply or come back to the Board for an amended variance. The 19.2% does not include the sidewalk along Kildee Road since it is in the right-of-way and not on the lot.

Mr. Darji said the applicant will have to revise their plans to comply with the Board's approval for review by the Board professionals prior to proceeding with construction.

Mr. Pontier and Mr. Egarian discussed the Environmental Resolutions letter dated February 13, 2020. With regard to #8 the water company only flagged a portion of the lot. Mr. Darji said there might be a conflict with the seepage tank location. The applicant will locate the waterline on the remainder of the property. With regard to #16, there is no existing agreement with the neighbor regarding the shed that encroaches onto the applicant's property. Mr. Darji noted it is outside the purview of the Board, the Board is not acting on the encroachment and is not granting any type of approval. The shed is not included in the coverage numbers. Soil testing has not been performed where the seepage pits are proposed. The remaining comments will be provided as part of compliance review.

They then discussed the Clark Caton Hintz letter dated February 11, 2020. If the exportation of soil exceeds 60 cubic yards the applicant will come back to the Board for approval. Mr. Egarian described how the kitchen area utilities will be connected.

The applicant is willing to work with the Township Landscape Architect on finalizing the plant schedule. The Open Space Coordinator's comments were addressed during testimony. A design waiver is requested from planting street trees but the required 30 trees will be planted on the remainder of the site.

Mr. Egarian provided testimony on the uniqueness of the lot. The front of the lot is very narrow, the house has a 420 foot setback and has a very long driveway which accounts for a lot of the impervious coverage. If the lot frontage and lot width were conforming the variance would not be as intense. Additional coverage generates additional stormwater which has the potential to impact adjacent properties. It has been demonstrated through a stormwater management system that they can provide a zero net increase in stormwater as a result of the project. There is a substantial buffer between the property and the neighbors. There will be no detriment to the zone plan or zoning ordinance.

Mr. Kabis opined that it would be more beneficial to have the issues that have been brought up shown on the plan. Mr. Egarian testified that he is confident that the landscape plan and the engineering plan can be revised so that it will conform to the 19.2% impervious coverage and satisfy all the comments. A compliant plan will be submitted for conformance review.

Vice Chairman Fedun opened the meeting to the public to question Mr. Egarian. There were no questions.

The Board discussed whether the application should be continued to the following month so that the plans could be revised to address the inconsistencies in the plans and decided to proceed with the application.

Vice Chairman Fedun opened the meeting to public comment. There was no public comment.

Mr. Darji said the applicant can send him the CAD file for the approved layout so he can verify the coverage. Ms. Goldman said the encroaching shed should be included in the impervious coverage calculations and will increase it to 19.3%. The proposed stormwater system will be able to accommodate the additional 35 square feet.

Mr. Pontier summarized that the applicant is looking to improve the property by expanding its driveway, adding to the rear patio and having an outdoor kitchen. The applicant is seeking a variance to permit 19.3% impervious lot coverage where 15% is permitted. The applicant is also seeking a design exception from the requirement to plant 3 trees along the property frontage.

Ms. D'Arminio summarized the conditions. The applicant will work with the landscape architect to finalize and confirm that the landscape plan conforms to the Landscape Architect's comments. The location of the grill and outdoor kitchen is subject to the approval of the Fire Marshal. The second construction access will be removed from the plans. The site plan will be brought into conformity with the landscaping plan and the impervious coverage inclusive of the neighbors shed will not exceed 19.3%. The waterline to the house will be located and will work with the Board Engineer if there is a conflict between the waterline and the seepage pit. They will conform with all the comments provided by the Board Planner and Board Engineer and with the review letters. The maximum amount of soil to be removed is 60 cubic yards or they will return to the Board. The CAD file will be supplied to the Board Engineer and Township Engineer so they can confirm the approved lot coverage of 19.3%.

A motion to approve the application subject to the conditions was made by Mr. Kabis and seconded by Mr. Stenull. The motion carried on the following roll call vote:

Ayes: Blodgett, Fedun, Iyer, Kabis, Stenull, Rosenthal and Wallmark

Nays: None

The Board took a five minute recess.

**Case BA-01-20            Applicant: Joseph Stencel**  
Block 19003 Lot 5 – 70 Meadow Run Drive  
Submission Waivers and Bulk Variance  
Expiration Date – 120 Days from Submission Waiver  
Affidavit of Notification and Publication Required

Notice was found to be in order. Joseph Stencel and David Stires presented the application.

Dr. Stencel, owner and applicant, was sworn in. Dr. Stencel gave the Board his background. A variance is needed for the existing lot depth of 175.36 feet where 200 feet is required. The proposal is to expand the driveway and install a new front walk. The proposal is a better design and will make it safer. An 8 foot diameter drywell was installed for the 4% coverage for the existing pool. Water from the roof area is going into the tank. With all the rain over the last couple months the tank has never been full and is draining quickly. As part of a prior project, a portion of the driveway was removed to meet the required lot coverage. He would like to put that part of the driveway back. The driveway will be constructed with both non-permeable pavers and permeable pavers. The walkway will be constructed with non-permeable pavers. With the new improvements, the lot coverage will be 21.5% instead of the 19% that is permitted (15% plus 4% for the pool).

Dr. Stencel discussed the comments in the various review reports. There is an existing split rail fence within an easement on the western side of the lot. The easement as designated is not correct. The correct easement needs to be recorded or in the absence of that Dr. Stencel is liable for the fence if it has to be removed due to Township work within the easement. There were multiple recommendations to install additional trees in the review reports. There are more existing trees on the lot than what is required. The addition of the evergreens as recommended by the Township Landscape Architect is not a good solution because he would have to remove native hemlock trees so the evergreens would grow. He displayed pictures and described the trees on the lot and the location of the septic system. Water runoff is less now than the pre-construction with the addition of the drywell. The Leaf Guard gutters are taking additional water from the roof to a tank below ground.

The slideshow consisting of 22 slides was marked as Exhibit A-1.

Vice Chairman Fedun opened the meeting to the public to question Dr. Stencel. There were no questions.

David Stires, 678 US Highway 202/206 N., was sworn in. Mr. Stires gave the Board his qualifications and was accepted as an expert engineering witness. The current condition is 8,340 square feet of coverage which is 19%. When the addition was constructed existing coverage had to be removed. Subsequent to the removal of the walkway and driveway in order to comply, Dr. Stencel had problems with the driveway and did not have access to the front door. The proposal is to add coverage which will result in 21.5% coverage which includes the pervious pavement. If the pervious pavers were not counted as coverage they would be at 17.9%.

Vice Chairman Fedun opened the meeting to the public to question Mr. Stires. There were no questions.

Mr. Darji asked Dr. Stencel what source he has to confirm the location of the storm pipe. Dr. Stencel testified he was there when it was installed and there is a manhole located off his property. Given the testimony, Mr. Darji withdrew his recommendation that the fence be relocated since Dr. Stencel is very confident the drainage pipe is not within the easement and he testified he would be responsible for any damage to the fence. Mr. Stires agreed to revise the plan to show the updated stream corridor information as shown on the Township GIS mapping.

Ms. Goldman said the applicant has provided information to show the lot has a lot of existing trees on site but the design waiver is still required per the Ordinance. In addition to the pre-existing lot depth variance there is also a pre-existing principle building coverage variance.

Vice Chairman Fedun opened the meeting to the public. There was no public comment.

Ms. D'Arminio summarized the conditions. The updated stream corridor information shall be shown on the plans, compliance with the Board Engineer's memo with the exception of the fence and with regard to the fence the applicant has to work with the Township.

A motion to approve the submission waiver was made by Mr. Blodgett and seconded by Mr. Kabis. The motion carried on the following roll call vote:  
Ayes: Blodgett, Fedun, Iyer, Kabis, Stenull, Rosenthal and Wallmark  
Nays: None

A motion to approve the application subject to the conditions was made by Mr. Blodgett which was seconded by Mr. Kabis. The motion carried on the following roll call vote:  
Ayes: Blodgett, Fedun, Iyer, Kabis, Stenull, Rosenthal and Wallmark

Nays: None

**VII. MINUTES**

**January 21, 2020 – Reorganization and Regular Meeting**

A motion to approve the minutes was made by Ms. Rosenthal and seconded by Mr. Kabis. The motion carried on the following roll call vote:

Ayes: Blodgett, Fedun, Kabis, Stenull and Rosenthal

Nays: None

There being no further business to come before the Board, the meeting was adjourned at 9:55 p.m.