

**Zoning Board of Adjustment
Regular Meeting Minutes
April 5, 2017**

The Regular meeting of The Borough of Florham Park Board of Adjustment was called to order on Wednesday evening April 5, 2016 at 7:00p.m., in the Municipal Building, 111 Ridgedale Avenue, Florham Park, New Jersey.

Members Present:

Mr. Michael Cannilla, Chairman
Mr. Jeffrey Noss, Vice Chairman
Mr. John Novalis
Mr. Martin Chiarolanzio
Mr. James Gallina
Mr. Ron DeRose (1st alt)

Members Absent:

Mr. Rick Zeien
Mr. Brian O'Connor

Also Present:

Mr. Craig Dodd, Esq., Board Attorney

Call to Order:

Mr. Cannilla, Chairman called the meeting to order at 7:00 p.m.

Statement of Adequate Notice:

Mr. Cannilla issued the following statement:

"I hereby announce and state that adequate notice of this meeting was provided by the Secretary of this Board by preparing a notice, specifying the time, date and place of this meeting; posting such notice on the bulletin of the Municipal Building; filing said notice with the Clerk of the Borough, forwarding the notice to the Florham Park Eagle, and forwarding, by mail and fax, the said notice to all persons on the request list, and that said notice will be included in the minutes of this meeting. This action is in accordance with the N.J.S.A. 10:4-6, et sec., "Open Public Meetings Act."

Approval of Minutes:

Approval of Minutes from March 15, 2017 Meeting.

Mr. Gallina made a motion to approve the minutes, second by Mr. Noss.

Roll Call: On a roll call vote all members present and eligible voted to approve the minutes.

C Variance:

1. **R2G Home Builders, LLC**
252 Brooklake Road
Block 2002, Lot 23

Application # BOA17-4
excess building coverage
front yard setback

Applicant is seeking approval for excess building coverage and a front yard setback in connection with decorative overhangs.

Gerard DiPopolo, Esq. represented the applicant. Remo DiPopolo, owner and applicant was sworn in. Gerard DiPopolo stated that it is a new construction home that when the home was completed, they realized that the garage door overhangs and the two entrance door overhangs caused the overall building coverage to be slightly more than what is permitted. They are permitted a maximum of 14% (due to lot size) and it is currently 14.4%.

Mr. Cannilla asked if the overhangs were on the original plans that were submitted. Mr. DiPopolo said no. Mr. Cannilla asked if they submitted updated plans to the municipality. Again, Mr. DiPopolo said not yet. He continued that the overage was discovered by the town engineer while doing a final inspection. Mr. DiPopolo stated that his framer created this issue by increasing the overhangs from 18 inches to 24 inches. He noted that the framer no longer is employed by him.

Mr. Cannilla asked if the garage overhang was not on the plan, who directed the framer to build it? He did not charge you for that?

Mr. DiPopolo said that he is the same framer that worked on the newly constructed home at 13 Tucker Street. I should have checked it. He is a great framer but he does sometimes go overboard. I (DiPopolo) just provided the material.

Mr. Cannilla questioned again that the framer just did this on his own? No one told him to build it?

Mr. Novalis also questioned that claim. He said that he saw the original plans and there were no overhangs on the side garage or the entrances. They had to have been added by you (DiPopolo) and you had to know that it would put you over on coverage because you were so close to the maximum. He also asked who authorized the framer to do this.

Remo DiPopolo said that he did not instruct the framer to add them but he takes full responsibility. He also said the front porch overhang was on the plan.

Mr. Cannilla asked if he monitors the job progress. The first time something is built that is not on the plan you should have been there because you are so close to the maximum allowed.

Mr. DiPopolo said that is where the problem is. He said once the roof is on the home and most of the framing is done, he goes to his next job. The garage overhang is not on the home at that point, only the front porch and the side door. He said that it will not happen again. He did not gain anything but aggravation from this.

A-1: photo series of home (a-e)

Gerard DiPopolo reminded the Board that Remo DiPopolo has built and remodeled many homes in Florham Park and this is the first home that is not in compliance. His home that is recently completed on 11 Tucker Street is in compliance.

Mr. Sgaramella said the foundation location plan is in compliance. Mr. Cannilla said that it does not include the siding. The siding adds more width and ends up in the setback. He said that no one is accounting for that when they put the foundation right at the 10 foot setback. There is no breathing room.

Remo DiPopolo said the siding is ½ inch thick and the corner boards are one inch.

Mike Sgaramella stated that the originally submitted plans complied at 13.9%. The lot coverage was at 26% but now is 28%. He did notify us when he thought that he may have a problem. Mike Sgaramella stated that his engineering assistant does the surface grading plan.

Mr. Novalis suggested taking off the garage overhang that faces Crescent Road and that would put you closer to the requirement and eliminate the setback variance.

Gerard DiPopolo said that the home would esthetically suffer by doing that.

Mr. Novalis said that in his opinion, this is not a mistake. He said that he also is a builder and he knows what framers do and don't do. He thinks that it should be reduced somehow.

Mr. Cannilla said that the original plans had no garage overhangs and you were fine until they were added. Mr. Cannilla also asked about the two separate driveways.

Mr. Sgaramella said that the original driveway was off of Crescent Road. Then the developer wanted a Brooklake Road address and the driveway opening on Crescent Road was removed. However, the buyer wanted to keep the Crescent Road driveway so it was rebuilt.

Mr. Sgaramella continued that driveway aprons openings that are on 2 separate roads are not permitted. They must be on the same street. He said that have since they disconnected the driveways.

Mr. Cannilla stated that it looks strange and it is concern to him because it seems like it could be driven over eventually. He asked if the driveway on Brooklake Road could be removed.

Mr. Cannilla asked Mr. DiPopolo what the need is for the Brooklake driveway. It is on an angle and would be difficult to have site lines in order to get out of the driveway.

Mr. Cannilla continued that he understands the developer not wanting to tear work apart but there must be some mitigation. He thought that the Brooklake Road driveway removal and a limit on lot coverage could be some sort of compromise.

Mr. Novalis stated that there is nothing to stop the owner from putting it right back because they are not over on lot coverage.

Mr. Cannilla asked what is the real need for the driveway on Brooklake Road.

Mr. DiPopolo said that he thinks that the purchaser wanted it so they can get to the front door. But the buyer also wanted the Crescent Road driveway to get to the garage. However, the owner feels it is hard to exit on Crescent Road and also wants the Brooklake Road driveway.

Mr. Noss asked if the buyer was impressed with the overhang and did he really want to keep it. It would be less of an issue to remove it and it would go a long way to mitigate the problem.

Mr. DiPopolo said that he is not sure if the owner likes it or not.

Mr. Sgaramella noted that the garage overhang accounts for 37 feet which would mitigate one half of the amount of coverage that they are over.

Ron DeRose said that personally he is having a difficult time with telling this developer no, when the same thing occurred on Tucker Street not too long ago and we let it go. But he understands that people are frustrated.

Mr. Gallina said that he would rather see Brooklake driveway removed but leave the overhang.

Mr. Noss said that this is more innocuous than Tucker Street. The Brooklake driveway is odd and it seems to be a driveway to nowhere. He asked what would be at the end of each driveway leg.

Mr. DiPopolo said that the end of each driveway would have Belgian block installed.

Mr. Noss said that he would rather see the Crescent Road driveway reconfigured so that one can easily enter and exit.

Mr. Chiarolanzio said that corner properties are tough. The buyers may want the overhang but it should not have been built. He does not like the Brooklake Road driveway but it meets the criteria.

Mr. Cannilla said that they should think about all the options. Maybe consult with the buyer. The overhang does help break up the mass of the large facade.

Mr. Novalis said that this is not a driveway issue. The builder got a permit to build a home but built it different. This was not an accident. The overhang should be eliminated. The house size is 4373st. Placing a limit on coverage would be difficult.

Mr. DiPopolo stated that the lot is oversized and that resulted in a lesser permitted amount of building coverage. He explained that if he could reduce the lot size by 74 square feet, he would be in compliance. He made an offer to give the land to the town, but the town did not want it. When asked if he approached the neighbor, he stated that it would require a subdivision application which he did not wish to get involved with.

The meeting was opened to the public.

Barbara Nevius, West End Ave. She said if the overhang suddenly appeared, then it can disappear. The builder must be made to comply.

Attorney Gerard DiPopolo asked for a break to speak to his client.

Break: 8:20-8:30

Remo DiPopolo said that he will agree to remove most of the garage overhang (90%). He said that he must leave a small portion of 6 inches because there are overhead lights built into it and also a gutter.

Mr. Novalis said that small of an overhang would not look right. He said a better option would be to install side lights on each side or overhead lights in the second floor dormers that would shine down. He said the downspouts could be brought all the way to the ground.

Mr. Cannilla agreed that while he understands what they are trying to do, it would not look good.

Mr. Noss said that it is the applicant's choice to make an offer or not.

Mr. DiPopolo decided that he will remove the entire overhang from the garage. That will reduce the building coverage to 14.2% and eliminate the setback variance.

Mr. Novalis thought that was a good effort.

Mr. Chiarolanzio said it was unfortunate situation but it is a good compromise. Maybe install a wide board around the doors to break it up.

Mr. Noss and Mr. Gallina were satisfied with the reduction.

Mr. DeRose had no further comments.

Mr. Cannilla also felt this was unfortunate. He did not like the idea of removing the overhang and would have rather seen the second driveway removed. But it is the applicant's choice.

Mr. DiPopolo explained that the purchaser of the home specifically requested that the driveway remain so that was not an option.

Seeing no further comments, Mr. Cannilla called for a motion.

Mr. Noss made a motion to approve the application with the condition of removing the overhang, second by Mr. Gallina.

Roll: Noss, yes; Gallina, yes; Cannilla, no; Chiarolanzio, yes; Novalis, yes; DeRose, yes.

On a motion duly made and seconded the meeting was adjourned at 8:50p.m.

Marlene Rawson
Board Secretary

April 5, 2017