

**Zoning Board of Adjustment  
Regular Meeting Minutes  
August 2, 2017**

The Regular meeting of The Borough of Florham Park Board of Adjustment was called to order on Wednesday evening, August 2, 2017 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. Brian O'Connor  
Mr. Ron DeRose (1<sup>st</sup> alt)

**Members Absent:**

Mr. Rick Zeien

**Also Present:**

Mr. Kurt Senesky, 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 the June 7, 2017 Meeting.

Mr. Noss made a motion to approve the minutes, second by Mr. O'Connor.

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

**Resolution of Approval:**

1. **Joseph Adochio**  
18 Townsend Drive  
Block 2605, Lot 24

**Application # BOA17-7**  
building coverage, lot coverage, front setback  
R-15 zone

Applicant is seeking approval for the construction of a second floor addition, porch and handicapped accessible ramp.

Mr. O'Connor made a motion to approve the resolution, second by Mr. Novalis.  
Roll Call: On a roll call vote all members present and eligible voted to approve the resolution.

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| 2. | <b><u>Verizon Wireless</u></b><br>100 Park Avenue<br>Block 1401, Lot 1.04 | <b><u>Application #BOA17-5</u></b><br>use<br>POD-S zone |
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Applicant is seeking approval for the replacement of a light pole and an outdoor distributed antenna system.

Mr. Gallina made a motion to approve the resolution, second by Mr. Novalis.  
Roll Call: On a roll call vote all members present and eligible voted to approve the resolution.

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| 3. | <b><u>Verizon Wireless</u></b><br>1 Jets Drive<br>Block 1401, Lot 1 | <b><u>Application #BOA17-6</u></b><br>use<br>POD-s zone |
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Applicant is seeking approval for the replacement of a light pole and an outdoor distributed antenna system.

Mr. O'Connor made a motion to approve the resolution, second by Mr. Gallina  
Roll Call: On a roll call vote all members present and eligible voted to approve the resolution.

**C-Variance:**

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| 4. | <b><u>Robert &amp; Maryann Ayars</u></b><br>85 Hillside Avenue<br>Block 2905, Lot 30 | <b><u>Application #BOA17-8</u></b><br>excess building coverage, building height<br>driveway setback |
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Applicant is seeking variances in connection with a proposed new construction home.

Steve Azzolini represented the applicant. Robert and Maryann Ayars were sworn in. Also sworn in was Andrew Clarke, architect and John Lyons, engineer.

This is a proposed new construction home that is in need of variances that are driven by certain design elements of the home. Robert Ayars, homeowner, stated that they purchased the property in April 2016 with the intention of building a large home. He has four children and a number of grandchildren that frequently gather as a family. He wants the space for entertaining.

They started with their dream home and the design phase took one year. The current design is scaled back from the original plan. It is still slightly over on building coverage. They have already cut the overhangs back. The porch is slated to stay for the beauty element of the home.

There is a driveway setback deficiency but it was noted that it is common on that street. Because of the dimension of the home, the building coverage is more than what it would be if it was designed as a square box-like structure.

Mr. Cannilla stated that there are concerns with the large homes that are being built in Florham Park. He added that he is always concerned when the side yard setback is at 10-11 feet. The room spaces are so large that he is not sure how functional they will be.

When asked, Mr. Ayars stated that the basement is not finished at this time, and there is no 3<sup>rd</sup> floor plan.

Mr. Cannilla noted that although the coverage request is under 1%, it really amounts to 8% more than what is permitted.

Mr. Senesky asked why if they are that close, they could not comply with the requirements.

Mr. Cannilla asked if they could find 400 square feet on the footprint to eliminate. Mr. Ayers stated that when 20-25 people are in it, the rooms fill up quickly.

Mr. Ayars also said that they already reduced room sizes several times.

Mr. Azzolini said there will be testimony from the architect and that if they built a box, they would comply. It is the architectural detail that creates the variance conditions.

Mr. Cannilla asked how the applicant would feel if a home of this size was built 20 feet from his home. He said that it begins to feel very urban.

Mr. Noss said that the ordinance allows a height limit of 34.99%. He is not sure why the applicant could not comply with the compliant footprint. However, it is their right to come to the Board and ask. That is why this Board exists.

Mr. Novalis said that there are reasons why the ordinances are in place. The home is starting out so large and it could be a little smaller. He is certain that the architect can do that. He has not heard about a hardship yet.

Mr. Cannilla added that large homes do exist but they are generally further away from the property lines than this plan. Some of the smaller homes are closer to the setback line but the ridge of the homes are generally around 18 feet high and not 34-35 feet high and create a different feel that is not as urban.

There were no questions from the public for the witness.

Mr. Azzolini requested a short break.

*Break 7:40-7:50pm.*

Steve Azzolini introduced the applicant's architect, John Lyons, and he began testimony. He described the first floor that includes a three car garage, living and dining room, great room and kitchen and front porch. The second floor has five bedrooms, including a large master suite, plus a sitting room.

The floor plan is staggered to eliminate the mass and scale. The roof ridge height was dropped on either side to 33 feet and 30 feet. These angled roof lines on each side serve to lessen the impact. The exterior porch has been made narrow. The attic is for storage only. The height variance is for a cupola that extends two feet higher than what is permitted.

The challenges faced were the addition of an elevator, and wide halls, and the general circulation that added to the overall size. They reduced the overall size by 140 square feet off the original design. The garage size was reduced. The overhangs are at 9 inches now. They want to keep the porch for dimension but they reduced the width.

Mr. Cannilla agreed that the eaves and the porch adds to the home, however, the rooms are very large. For example the master bath is as large as the master bedroom. He understands that they could have designed a cube and get the square footage that they wanted. He did not agree to sacrifice the elements that make the home beautiful for the extra square footage.

Mr. Novalis said that they should look to take a foot off of all the dimensions. Mr. Lyons stated that it is not that easy to just reduce room sizes.

Mr. Noss asked if they started at 10.5% which is the compliance limit. Mr. Lyons said they did not, since it did not work for them.

Mr. Cannilla is very concerned with the width of the home and the setback but Mr. Azzolini said that the adjacent home is about 60 feet from the property line so there is no detriment. Mr. Cannilla replied that that home can potentially be 10 feet off the property as well, creating light and space issues.

Mr. Novalis confirmed that the elevator goes to the basement as well as the upstairs. He thought that the cupola could be reduced and eliminate the variance.

Mr. Gallina remarked that it is a beautiful home. Maybe the third garage bay can be reduced since their testimony was that they were using it for outdoor equipment and furniture storage. Mr. Lyons responded that they still want the option of storing a vehicle in there.

Mr. Chiarolanio agreed that the home is lovely but he feels that it could be designed to comply with the ordinance.

Ron DeRose was also concerned with the width of the home. He said it is a gorgeous home.

Mr. Noss said that the Governing Body decides what the ordinances will be and right now the side yard setback is 10 feet. He said has no objection with that. That is not the job of this Board to discuss what should and should not be. Nevertheless, he does not think it is unreasonable to construct a home that complies with the ordinance especially because this is a such a large lot.

Mr. Cannilla added that amendments to the side yard setback requirement are currently under consideration.

Mr. Cannilla continued that the third garage could be a challenge because it seems to be a little short. He feels that there are opportunities to reduce the footprint in other areas. He does not think that they will notice if the rooms were only slightly smaller. The esthetics of the home should not be sacrificed.

Mr. Azzolini asked for a 5 minute break to confer with this clients.

*Break 7:50-7:55pm*

When they returned and were back on the record, Mr. Azzolini requested that the application be carried to the next meeting on September 6, 2017.

Mr. Cannilla asked if there were any questions from the Public at this time. He reminded the public that if the applicant mitigates all of the variances, they will not be appearing on September 6, 2017.

Hans Knapp, 81 Hillside Ave. He stated that there is a tree that is on both his property and the applicant's property. It looks like it is marked for removal on the plan set. There is nothing wrong with the tree and he does not want it removed.

Mr. Senesky said that matter is not under the jurisdiction of this Board, and recommended that he consult with an attorney.

Mr. Azzolini responded that he will have his engineer look at that.

Seeing no other questions, Mr. Cannilla called for a motion.

Mr. Noss made a motion to carry the application to the September 6, 2017 meeting, second by Mr. Chiarolanio.

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

On a motion duly made and seconded the meeting was adjourned at 9:00p.m.

Marlene Rawson  
Board Secretary

August 2, 2017