

**Zoning Board of Adjustment
Regular Meeting Minutes
November 1, 2017**

The Regular meeting of The Borough of Florham Park Board of Adjustment was called to order on Wednesday evening, November 1, 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. Rick Zeien
Mr. Brian O'Connor
Mr. Ron DeRose (1st alt)

Members Absent:

Mr. James Gallina

Also Present:

Mr. Kurt Senesky, Esq., Board Attorney

Call to Order:

Mr. Cannilla, Chairman called the meeting to order at 7:05p.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 September 27, 2017 Meeting.

Mr. Chiarolanzio 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.

Approval of Minutes from October 4, 2017 Meeting.

Mr. Zeien made a motion to approve the minutes, second by Mr. Chiarolanzio.

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

Approval of Minutes from October 18, 2017 Meeting.

Mr. Zeien 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.

C-Variance:

Lucas and Heidi Marrero

56 West End Avenue
Block 3401, Lot 16

Application #BOA17-10

front, side setback, lot coverage

Applicant is seeking approval for non-conforming driveway, non-conforming garage, non-conforming patio, non-conforming gazebo, plus proposed renovation and expansion of an enclosed front porch. Carried from October 18, 2017 without further notice or publication.

Daniel Santarsiero, Esq. represented the applicant. He said that the property plan is now amended to reflect the removal of 156 square feet of driveway. The lot coverage is under the maximum amount and is now 29.96%.

This was verified by Borough Engineer Mike Sgaramella in a memorandum.

Mr. Cannilla reviewed the remaining variances. There is one variance for a front setback for the garage of 38.62 feet. There is a side yard setback of 6.51 feet for the rear patio corner only.

Map #3 with a revision date of 10/26/2017 depicts the final changes. It shows the gazebo removed, the side portion of the driveway removed, and the front sidewalk converted to stepping stones.

Mr. Marrero requested to have six months to remove the driveway portion due to the time of year. Mr. Cannilla agreed to a time frame that will extend to May 1, 2018.

Mr. Novalis stated that he is glad that the driveway was reduced but he is still not comfortable with the patio being so close to the line.

Mr. Chiarolanio agreed that the driveway removal was important. He also is not happy about the patio corner being so far in the setback.

Mr. Cannilla reiterated that lot coverage is always the main concern with him. He is glad the coverage is under 30%. He requested that the latest revision to Map #3 be attached to the resolution.

There were no other questions or comments. Mr. Cannilla called for a motion.

Mr. Chiarolanio made a motion to approve the application, second by Mr. Novalis.

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

Linda Wagner-Blok, Wil Blok

2 Crescent Road
Block 2005, Lot 7

Application #BOA17-9

side, rear, front setback
building, lot coverage

Applicant is seeking approval for newly constructed porch, patio and proposed portico, driveway. Carried from the September 27, 2017 meeting without further notice or publication.

Steve Azzolini, Esq. represented the applicant. He stated that the plans have been adjusted to address the water issue concerns of Frances Derin, who owns the neighboring property.

Mr. Cannilla asked what the size of the porch is. Mr. Blok said that it is 17ft. long, 12ft 10in. wide, to the walls. The footprint is larger due to the larger porch, larger overhang, and portico.

Andrew Clarke, Engineer for the project stated that they reduced the lot coverage from the original plan. He performed a field inspection of the property as a result of the concerns raised by Ms. Derin. He saw that the main culprit is a roof leader that was directed at Ms. Derin's property.

Mr. Clarke said that the pipe will be connected to the system that has been designed. The new system will be sized accordingly to handle the added 1000 square feet of roof area and all of the driveway.

Borough Engineer Mike Sgaramella confirmed in a memo that the overflow will be discharged on the driveway and lead to the storm drain in the street.

Mr. Clarke said that they will also install an 18 inch deep drain along the fence line in the rear. It will be backfilled and topped with decorative stone. This extra measure will be taken just to be sure that all runoff is captured.

They will reduce the driveway width from 12 feet to 10 feet.

The lot coverage request is now 33.8%. It is 456 square feet more than what is permitted. The building coverage is 18.4%. The property condition as proposed will be more beneficial to the neighbor than the present condition and have no impact to the roadway.

There will be a small reduction in the new landing on the side of the porch. The patio will now be in line with the landing. The proposed fence posts are included in the lot coverage and will be made smaller in order to reduce the overall coverage.

A-8: Title survey at the time of purchase.

This shows the concrete patio encroaching on the neighboring property.

Mr. Novalis asked where the other downspouts go and if a perk test was done.

Mr. Clarke said that the other downspouts flow towards Crescent Road and Brooklake Road. The system will be sized up in the new design. There has not been a perk test yet.

Mr. Cannilla asked what size the system is designed for. Mr. Clarke replied that it is for a 4" rainfall.

Mr. Cannilla said that it is very wet in Florham Park and many areas have a high water table.

Mr. Clarke said a neighboring property dug down 10 feet and there was no water. The soil is the question because it is different all over. It is unknown until you dig.

Mr. Zeien verified that there is a storm drain close by on Brooklake Road.

Mr. Novalis said this could be an opportunity to enlarge the system.

Mr. Clarke said that a 4" rainfall is infrequent. There is more trouble with sustained rain, day after day. If he finds that the soil does not perk at a rate that he prefers, they can add storage.

There was additional discussion on storm water management and how many tanks are typically used.

Mr. Azzolini said that the Board seems to want a perk test. However, this is not a large home.

Mr. Cannilla confirmed that all overhangs are 2 feet and preexisting at that size.

The side yard porch landing is 42". There is a 4 foot overhang over the steps, plus a 5" gutter. The distance to the property line is 5 ½ feet. Although Board members questioned the need for this, Mr. Blok said that it is not practical to remove the door.

Mr. Cannilla felt that it is the large driveway and pavement that is driving the excess lot coverage. He asked if it was possible to do a "K" turn instead.

Mr. Blok said that it is a very busy corner and cars are moving quickly and often. Even a "K" turn uses a lot of pavement coverage. There also is a utility pole in the driveway area that restricts movement.

Mr. Azzolini added that there are many reasons for the driveway. The house is situated on an undersized lot. There is lots of traffic on that corner and it is dangerous to back out of a driveway. Many homes have circular driveways for that reason.

The meeting was opened to the public.

Frances Derin, 248 Brooklake Road. She is concerned about what her recourse would be if the proposed mitigation does not work.

Andrew Clarke stated that the Board can retain storm water jurisdiction for a period of time. They can authorize the Borough Engineer to ensure that the improvement will work.

Ms. Derin stated that she does not have confidence in the Engineering Department because she felt that they were not responsive to her concerns in the past.

Mr. Senesky and Mr. Cannilla were very surprised by that because the Engineering Department have been extremely helpful and responsive in the past. Mr. Cannilla added that there are other reasons that a property collects water that may be out of the jurisdiction of the engineer.

Mr. Novalis commented that he understands the driveway problems completely and has witnessed the difficulty in getting out of it. He personally agrees with the recourse proposed. He does however, have an issue with the landing in the back that is so close to the property line. He would like the applicant to revisit that.

Mr. Azzolini requested that the application be carried to the December 6, 2017 meeting so that they can perform a perk test and revisit the driveway.

Mr. O'Connor made a motion to carry the application to the December 6, 2017 meeting, second by Mr. Chiarolanzio.
Roll Call: On a roll call vote all members present and eligible voted to carry the application.

David Cicalese
81 Rockwood Road
Block 3402, Lot 26

Application #BOA17-12
excess lot coverage

Applicant is seeking approval for excess lot coverage in connection with an in-ground pool and patio.
Applicant requests to be carried to the November 15, 2017 meeting without further notice or publication.

Mr. DeRose made a motion to carry the application to the November 15, 2017 meeting, second by Mr. Noss
Roll Call: On a roll call vote all members present and eligible voted to carry the application.

Lubodar & Zenia Olesnycky
8 Loveys Drive
Block 3902, Lot 19

Application #BOA17-14
excess lot coverage
number of accessory structures

Applicant is seeking approval for excess lot coverage in connection with a 2 story addition, pool cabana, and patio.

Steven Schaffer, Esq. represented the applicant. He gave a brief overview of the history of the property. The property received variance approval in 2007 for several improvements and lot coverage variance for 31.9%. There was an approved pool cabana that was never built. The patio and driveway were built somewhat larger than what was originally approved which brought the lot coverage to 32.6%. The proposal is to convert the lot coverage back to 31.9% which is what was approved.

- A-1 handout outlining property history
- A-2 overhang measurements memo

The current proposal includes adding a two story addition, 743sf.patio, and building the pool cabana that was previously approved. Lot coverage will remain the same by removing some existing hardscape. The deck, portions of the patio by the spa, and part of the tennis court will be removed.

In connection with the lot coverage variance, Mr. Schaffer and Mr. Senesky both agreed that it is still technically a variance because the applicant is changing the elements. There is also a variance needed for number of accessory structures.

A review by the Borough Engineering office revealed that some of the overhangs were not included in the overall lot coverage. The applicant will further reduce the tennis court in order to keep the lot coverage at the previously granted amount.

Wayne Ingram and Lubodar Olesnycky were sworn in.

- A-3 colorized site plan

Mr. Ingram said that the property is one of the largest in the neighborhood at nearly 1.4 acres. It is heavily screened with mature and dense evergreen foliage. It has a deep drywell and the tennis court has its own drainage system.

The lot coverage excess was “grandfathered” in at 29.8% in 2007 because the site conditions, primarily the tennis court, predated the lot coverage ordinance (2002).

The total building coverage will be 7.94% inclusive of the proposed addition. They will install a drywell that will be oversized by 40%.

The existing accessory structures include a small greenhouse that is not affixed to the ground and an open air gazebo that was bought at a big box store. Both structures are unsecured and moveable. Mr. Schaffer contends that they should not be considered accessory structures.

- A-4 photo board

Mr. Ingram described the photos. They depict the property from various angles.

Mr. Ingram said that 3.5 feet of the perimeter of the tennis court will be removed. The setback conditions will be improved due to the removal. The addition is well under the building coverage. The reasons given in the 2007 approval are still valid today. They are: aesthetics – no one can see the property because it is so heavily screened. Storm water is controlled because the pool will capture the water and the tennis court has a “HarTru” surface which is permeable. In addition, another drywell is proposed and there is also no net change in any coverage.

Mr. Cannilla was concerned because although the tennis court has a permeable surface, a future owner could pave it.

The two accessory structures are small. The green house is only 8X8ft (64sf). Mr. Schaffer does not feel they meet the definition of an accessory structure.

Mr. Senesky recommended getting variance approval just to be safe.

The meeting was opened to the public for questions or comments.

Seeing none, Mr. Cannilla called for a motion. He added that he was happy that there is no net increase in coverage.

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

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

On a motion duly made and seconded the meeting was adjourned at 9:30p.m.

Marlene Rawson
Board Secretary

November 1, 2017