

**Zoning Board of Adjustment
Regular Meeting Minutes
October 18, 2017**

The Regular meeting of The Borough of Florham Park Board of Adjustment was called to order on Wednesday evening, October 18, 2017 at 7:00p.m., in the Municipal Building, 111 Ridgedale Avenue, Florham Park, New Jersey.

Members Present:

Mr. Michael Cannilla, Chairman
Mr. Martin Chiarolanzio
Mr. Rick Zeien
Mr. Brian O'Connor

Members Absent:

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

Also Present:

Mr. Kurt Senesky, Esq., Board Attorney
Mr. Michael Sgaramella, Board Engineer

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."

C Variance:

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| 6. | <u>Robert & Maryann Ayers</u>
85 Hillside Avenue
Block 2905, Lot 30 | <u>Application #BOA17-8</u>
excess building coverage, building height
driveway setback |
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Applicant is seeking variances in connection with a proposed new construction home.

Board Secretary Marlene Rawson reported that she has received correspondence from the Applicant's attorney stating that they are withdrawing their application.

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| 7. | <u>Linda Wagner-Blok, Wil Blok</u>
2 Crescent Road
Block 2005, Lot 7 | <u>Application #BOA17-9</u>
side, rear, front setback
building, lot coverage |
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Applicant is seeking approval for newly constructed porch, patio and proposed portico, driveway.

Applicant requested to be carried to the November 1, 2017 meeting without further notice or publication.

Mr. Zeien made a motion to carry the application to the November 1, 2017 meeting, second by Mr. O'Connor.

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

8. 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 September 6, 2017.

Daniel Santarsiero, Esq. represented the applicant. He stated that they reviewed the project for opportunities to reduce the coverage. They concluded that it would be impossible to make any adjustments to the bluestone patio due to the way it was constructed. The entire patio would have to be demolished.

If the driveway was reduced, the functionality of the driveway would be diminished. The purpose of the expanded driveway is to provide parking for six vehicles. If the driveway was reduced, they would need to revert to street parking, plus blocking the sidewalk. The present shape of the driveway makes the most sense given the shape of the property since the garage was moved slightly.

Mr. Marrero will eliminate the gazebo and the proposed front porch. They will also remove the front sidewalk and replace it with bluestone stepping stone slabs. This will reduce the lot coverage to 31.28%.

Mr. Marrero addressed the Board's concerns with the wide driveway apron. He stated that it is in line with others in the neighborhood and nearby areas. He presented a series of photos of driveways that are in the vicinity of his home. He pointed out that his driveway is rather short so he does not have the depth to store the cars.

A-13: photos of driveways on neighboring properties (31)

A-14: zoning map depicting R-15 zone

Mr. Marrero contended that there are many driveways that have overly wide aprons. There are also many that are paved to the property line. In addition, there are many residents that are parking commercial vehicles in these driveways.

Mr. Cannilla said the width of the driveway may not be an issue for someone who has enough lot coverage or maybe that obtained a variance. He added that some driveways that are at the property line may have been installed prior to the zoning ordinance.

Mr. Marrero said that his driveway has always been there and predates the ordinance.

Mr. Cannilla disagreed and stated that Mr. Marrero widened it to the line. He said that the issue is excess coverage and that the driveway is on the property line. This project could be close to compliance if that was reduced. Mr. Cannilla asked about the patios. He asked what the smaller one is used for.

Mr. Marrero said that the older patio has an 8 inch concrete base overlaid with bluestone. The newer patio has 4 foot footings, rebar, and mesh. They are very difficult to remove and reduce. He said the old patio stores all of his trash and recycling cans.

Mr. Cannilla said that the older patio is still 250 square feet. He asked why he needs all that room for trash cans that are picked up weekly or every other week.

Mr. Marrero said that his wife recycles everything and fills many cans with them on a regular basis.

Mr. Senesky asked about the stepping stones. Mr. Marrero asked Mr. Stearns who is the surveyor of record. He confirmed that the bluestone stepping stones are included in the final coverage numbers.

Mr. Cannilla questioned why Mr. Marrero did not review the zoning ordinances when undertaking his project. He is in this line of business and should know the protocol.

Mr. Marrero said that he relied on Steve Jones, Florham Park Construction Official to tell him what he was allowed to do. Mr. Jones told him to just build what is on the plans. He said many people have much more lot coverage than he does.

Mr. Cannilla told Mr. Marrero that the problem is his fault because he put things in different locations. Other people may have obtained variances. He said that variances are granted for justifiable reasons and hardships. He does not see any here.

Mr. Santarsiero reminded the Board that Mr. Marrero wanted a swimming pool but did not proceed with that because of the excess coverage. It is unfortunate that items were already built, and deconstruction of them would destroy the functionality of the property.

Mr. Senesky reminded them that Mr. Jones had issued a stop work order but the work apparently continued. He asked if Mr. Santarsiero was proposing that because they are already built, removing them would be hardship? The hardship is self-imposed.

Mr. Marrero stated that the work was already completed. Mr. Santarsiero said that the construction of the patio makes it very difficult to remove. It would become an eyesore. They have done their best to reduce the coverage.

Mr. Cannilla asked if the driveway could be saw-cut. He confirmed that the driveway is 28 feet wide.

Mr. Marrero stated that he needs a wide driveway to fit his 6 vehicles. He does not want to park over the sidewalk and around the apron. He noted that many other homeowners are parking many more cars than he does, and also commercial vehicles parked in the driveways. He stated that the town does nothing about this.

Mr. Cannilla replied that those violations are not the jurisdiction of this Board. He asked what the lot coverage was prior to any work being done.

Mr. Marrero stated that it was 27.5%.

Mr. Cannilla said somehow it got bigger and it wasn't just the patios. He admitted he filled in the area on the side of the garage. He insisted that all of his drawings that were submitted to the town showed the concrete driveway as he built it.

Mr. Sgaramella referred to the map drawing dated October 9, 2017. He agrees that the dwelling with overhangs - 1191sf. Garage with overhangs -590 sf. Building coverage is 14.1% inclusive of the gazebo. It is reduced to 13.4% without the gazebo.

Mr. Sgaramella said that the bluestone patio at the house is 244 sf. He said that the new bluestone patio is shown at 592 sf. He calculated it to be 700 sf. There is a difference of 108sf. What is the 238 sf of concrete? It was determined that the concrete patio walls are listed separately on the chart. When

added to the patio, the total closely matches the numbers reached by Mike Sgaramella. The driveway (1248sf) and bluestone walk (44sf) is accurate. He also agrees that the curb opening was not modified.

Mr. Marrero admitted there was a mistake on the garage setback of 40 feet. It was taken from the sidewalk. He also said that he offered to use storage tanks and permeable pavers but Steve Jones said he could not use them.

Mr. Sgaramella stated that drywells are now required, and Mr. Marrero did give him cut sheets for pavers. However, there were no engineering designs presented for a detention system including overflow pipes feeding into the municipal storm water system.

Mr. Marrero said that he discussed all this with Steve Jones and showed him all the specs but he said that he could not use it. Mr. Jones sent him an email but never a letter. There was discussion on whether emails are a legitimate form of communication. It was concluded that they are now considered valid.

Mr. Cannilla took Mr. Jones' statement to mean that permeable pavers could be used, but they would not count as a permeable surface and they will still count towards lot coverage in Florham Park.

The variances were clarified by Mr. Cannilla. Lot coverage of 32.2%, driveway side setback closer than 4 ft., patio setback closer than 10 ft. at the southwest corner, and a building setback of 38.62 feet where 40ft is required.

Mr. Zeien asked if the plan that Mr. Marrero submitted to the construction department was under the allowed lot coverage amount. Mr. Marrero was not sure.

Mr. Senesky stated that there were many versions of the plans and all of them appear to be over the amount.

There was discussion about which of the submitted plans was stamped and sealed and ultimately approved by the construction department. Mr. Marrero stated that he got approval for a garage and a 600sf patio.

Mr. Chiarolanio wanted to see the stamped plans. He wants to see the plans that he received back from the town. Mr. Chiarolanio wanted to understand how things got moved around.

Mr. Marrero said he received 2 plans from the town. One showed the patio behind the garage and one showed the patio up in the corner.

Mr. Santarsiero said that the patio got moved after the engineer visited the property and told him the garage has to be moved out of the setback and that changed where everything else would be. There was a pool plan that the patio was incorporated into on the right side. Then the pool plan was eventually abandoned, but the patio remained in that location.

Mr. Marrero claimed that he had a footing inspection on the patio.

Mr. Cannilla said that he got approval for a 600sf patio but he built a 944 sf patio and that is the problem.

Mr. Marrero said that the new patio is 600sf. The older patio was always there; he just overlaid it with bluestone.

Mr. Cannilla said that the footing inspection was for the garage. Mr. Marrero said that he had both projects ready to be inspected. He wasn't there when the inspector came and he assumed he inspected both.

Mr. Chiarolanzio again asked where the approved plans from the town. When an inspectors goes to a job, there should be an approved plan set on the jobsite. Mr. Marrero stated that the patio was on the permit.

Mr. Marrero said that the plan set did not include a patio at its present location. Mr. Chiarolanzio also noted that the patio would not have required building permit since it had a knee wall that was under 3 feet. So it is very unlikely that the inspector looked at it.

Mr. Sgaramella said that a surface grading permit was issued by Engineering for the garage only. Also to rehab the existing driveway.

Mr. Cannilla told Mr. Marrero that it does not give him permission to do whatever he wants because it looks nice. He still needed some variances.

Mr. Chiarolanzio said that he can understand the driveway error but he does not know how the patio moved and is less than 10 feet from the property line.

Mr. O'Connor agreed that the patio is very large and close to the property line. Maybe your present neighbors don't mind but if someday they move, future neighbors may have a problem with it.

Mr. Zeien said that the Board has been put in a tough position because they are there to enforce the zoning law. Mr. Marrero did whatever he wanted and then came in. What if everyone did that?

Mr. Cannilla said that he can understand the oversight on the site plan issues by the construction department. There is a need for a surface grading plan that appears to have been missed. But there would not be a problem if an accurate plan was submitted with all the elements. Variances must be justified. It is hard to grant variances when there are no good reasons. He understands that the work is difficult to modify now but it is not impossible.

The meeting was opened to the public for comments.

Bernie Demeter, 54 West End Ave. This is a conundrum. She lives next door and this is not an issue for her. It is not on her property. What can she do so that this can be approved? They are wonderful neighbors. If she is comfortable with it, can the Board accept that?

Kurt Senesky responded and stated that he understands her position. But he pointed out that just as the Board cannot approve something just because the neighbors don't object, the Board also may approve certain projects even when there are objections by neighbors.

Alex Bien, 61 Riverside Drive. He stated that he has known Mr. Marrero for 18 years. The home was in very sad shape when they moved in, and he did a great job with all the work he did to the house. The old patio was a piece of garbage and now it is beautiful. He has no complaints.

David Setzer, 51 West End Avenue. He lives across the street from the Marrero's. He said Mr. Marrero took the home from rubble and transformed it. It is a positive addition to the neighborhood.

Mr. Santarsiero requested a break to confer with his client.

Break: 8:35pm – 8:45pm

Thomas Stearns, PE, Licensed Surveyor, was sworn in. He stated that they are mindful of the driveway concerns. They will remove the 4 foot strip on left side of the driveway in order to stay outside of the setback. They will add this strip to the right side of the driveway. The lot coverage will stay the same. This will result in a 4 foot strip that is 29 feet long that will be relocated to the opposite side of the driveway.

Mr. Cannilla stated that he does not see the need to add this strip of driveway to the right side. Mr. Cannilla suggested to just have a double wide driveway. There are only 4 cars that are allowed in a driveway.

Mr. Santarsiero requested another break.

Break: 9:05pm-9:10pm

Mr. Santarsiero stated that they are amending the application and will remove the 4 foot wide strip of driveway from the left side and not add to the right side. His client wants a 6 month period to get this work done due of the time of year. All else will remain the same as depicted on the 10/9/17 survey.

Mr. Senesky recommended that each variance be voted on separately.

Mr. Cannilla reviewed the variances requested as a result of the amended application. There is a garage front setback, a patio setback side of 6.51 feet, and a lot coverage variance for 30.93%.

The Board requested an updated map showing the driveway removal, and an exact calculation of coverage. The plan is subject to review by Mike Sgaramella, Board Engineer.

Mr. Santarisero requested that the application be carried to November 1, 2017 without further notice of publication.

Mr. Zeien made a motion to carry the application to the November 1, 2017 meeting, second by Mr. O'Connor.

Roll: 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 9:30p.m.

Marlene Rawson
Board Secretary

October 18, 2017