

**Zoning Board of Adjustment
Regular Meeting Minutes
September 27, 2017**

The Regular meeting of The Borough of Florham Park Board of Adjustment was called to order on Wednesday evening, September 27, 2017 at 7:00p.m., in the Municipal Building, 111 Ridgedale Avenue, Florham Park, New Jersey.

Members Present:

Mr. Jeffrey Noss, Vice Chairman
Mr. John Novalis
Mr. Martin Chiarolanzio
Mr. Rick Zeien
Mr. Brian O'Connor

Members Absent:

Mr. Michael Cannilla, Chairman
Mr. James Gallina
Mr. Ron DeRose (1st alt)

Also Present:

Mr. Kurt Senesky, Esq., Board Attorney

Call to Order:

Mr. Noss, Vice-Chairman called the meeting to order at 7:00p.m.

Statement of Adequate Notice:

Mr. Noss 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:

- | | | |
|-----------|--|---|
| 1. | <u>Robert & Maryann Ayers</u>
85 Hillside Avenue
Block 2905, Lot 30 | <u>Application #BOA17-8</u>
excess building coverage, building height
driveway setback |
|-----------|--|---|

Applicant is seeking variances in connection with a proposed new construction home.
Applicant requests to be carried to the October 18, 2017 meeting without further notice or publication.

Mr. Chiarolanzio made a motion carry the application to the October 18, 2017 meeting, second by Mr. O'Connor

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

- | | | |
|-----------|---|---|
| 6. | <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 |
|-----------|---|---|

Applicant is seeking approval for newly constructed porch, patio and proposed portico, driveway.

Steven Azzolini, Esq. represented the applicant. The project involves the reconstruction of a three season porch, addition of a front portico, and a circular driveway.

The property is a corner lot that is undersized and has existing nonconformities. The circular driveway is the element that creates most of the lot coverage excess.

The original porch was an old porch with jalousie windows on the north side of the home that the owner converted to a sun room. The new overhangs are driving the building coverage variance and there is very little increase to actual living space. The owner was told stop working on the home and was informed of the necessity of a permit. He will install a storm water management system.

Andrew Clarke, Engineer, was sworn in. He reviewed the permit denial from the Construction Official. There is a setback variance needed for the rear and side yard for the sun room, plus a building coverage variance of 18.4%. The lot coverage variance of 36.9% has been amended to 36.1%. The generator has been placed in a compliant location. The fence will also be code compliant.

The patio shown is on the new survey as it exists today. It is now larger than when the owner bought the home. All improvements are in place except for the portico and the driveway.

The property is a corner lot located by a busy and uncontrolled intersection. The home faces Crescent Road, and also has frontage along Brooklake Road. The setback was measured to the foundation.

The circular driveway is needed for safe vehicle movement as you exit the driveway onto Crescent Road. The vehicle will be able to drive out nose-first instead of trying to back out in reverse. A large shrub located in the area will be removed. Trench drains will be installed on both sides of the driveway and will lead to a drywell. The front walk will be redone and a portico installed over the front door and landing.

The enclosed porch has already been converted to a sunroom. It extends out 10 inches in the rear yard and 18 inches in the front yard. A proposed fence will run along the front and will be compliant.

The front setback is 35 feet where 40 feet is required. The side setback is 9.9ft. to the foundation but the roof eaves make it 6ft in some areas and 8ft in some areas. The rear yard setback is 47.5ft where 64.5ft is needed. This was to the foundation and if the cantilever is included, it will be 46.5ft.

They are 800 square feet over on lot coverage due to the looped driveway. Also, 446 square feet of building coverage is attributed to the roof eaves. If this was not counted or if a 4 inch eave was installed, the building coverage would comply. Mr. Clarke stated that the eaves do not carry the same concerns as a building mass does. The eaves also add esthetic value. If they were made smaller, then they would comply.

The only usable part of the property is the side yard due to the orientation of the home and the undersized lot. This creates a hardship. Circular driveways are common in the area due to the traffic volume and busy intersection.

Mr. Noss stated that the driveway seems very wide. Mr. Clarke said that it is due to the utility pole and a large tree in the area that they want to keep.

- A-1: aerial view of the property and vicinity
- A-2: driveway existing condition from the street
- A-3: view of home from the corner
- A-4: photo of intersection from the home
- A-5: old porch

Mr. Chiarolanzio asked how the brick patio got enlarged. He also asked why the roof eaves are so wide. It was originally planned as a roof landing over the porch.

Mr. Novalis said that he does not agree that the driveway is the only issue. The new sunroom is a factor. The overhangs are 2 ft. and that is substantial. The fence posts are substantial. Are they counted in the lot coverage? If the driveway was the important element, maybe they should have not built the sun room.

Mr. Clarke said he would get the lot coverage numbers from the fence posts. He said that the old porch still counted as building coverage. There is a very minor change that happened as a result of the porch reconstruction.

Mr. Azzolini said that the plan that is before you is the one that we will justify. We must evaluate whether it is detrimental to the zone plan and the neighborhood. The Board's obligation is to look at this as well.

Mr. Clarke added that if the homeowner did nothing, and wanted to add the driveway, they would need a variance.

Mr. O'Connor suggested removing the driveway that is close to the intersection to save on coverage.

Mr. Clarke said that it would be very difficult to maneuver.

Mr. Zeien asked the size of the patio. It is 334 square feet.

Mr. Novalis asked if the door can be relocated to an area where the larger yard exists. There is only 6 feet to the property line which is very close. Mr. Clarke said that they could consider that.

The meeting was opened to the public.

Barbara Nevius. When was the patio built? Mr. Clarke was not sure. It was there when he got involved in the project in April 2017.

Frances Derin, 248 Brooklake Road. Asked if the encroachment is 6 feet. Mr. Clarke clarified that it is a 10 foot space. Once the steps and landing are rebuilt, they will be 6 feet from the setback.

Wil Blok, homeowner, was sworn in.

He stated he bought the property in 2012. He gave a history of the property and described the exterior. The three-season porch was added to the home in the 1960's, along with the second garage. He added a second floor addition over the 2 car garage after he purchased the home. The porch was in disrepair and deteriorating. It needed replacement. It was originally built over a concrete patio.

He did not realize that he needed variances for the work he performed. He extended the eaves because he wanted to continue the style of the home and also to increase energy efficiency.

A-6: Patio, viewed from the side yard along with the fence

An old patio was that encroached on the neighboring property was removed. He replaced it with a larger patio and the new steps will be the same size.

B-1: "Google Earth" photo of the wood patio

John Novalis noted that the patio looks wider in the photo. Mr. Blok said that the picture is distorted. The patio is not wider.

Mr. Novalis asked if he knew he needed a permit for the work. Mr. Blok responded he did not know he needed a permit for a patio. It was only pavers and not a slab. It was not impervious.

Mr. Noss said that the standard in Florham Park is improved coverage, not impervious.

A-7: Photos of intersection (2)

Mr. Blok described the dangerous conditions of the intersection during busy times. He said that there is a safety factor involved in trying to exit the driveway.

Mr. Blok said that the front door portico is needed for protection from the weather and will be similar to other homes in the area.

Mr. Blok said the stairs in the rear were deteriorated and falling apart. He removed them and wants to replace them with "Trex" material steps of the same width but will be made code compliant.

The porch renovation/addition is designed to be consistent with the existing home for esthetic purposes. The wider eaves also offer window protection.

Mr. Noss asked what the function of the door and steps serve because they lead to the rear yard that is not used. Mr. Blok replied that it offers a better interior layout and flow. Also, that was the original location.

Mr. Blok said that he received a fence permit in 2013.

Mr. Novalis asked why so much work was done without permits. The garage addition was constructed without a permit. How could the contractor not know he needed a permit? Mr. Blok said that he did not know that he needed one. It began as a roof replacement. He said that he works in other towns and they do not require permits for this. He also said that he did file for the permit right after he was notified.

Mr. Senesky said that if you work in other towns, you must realize that ordinances vary from town to town.

Mr. Azzolini stated that they acknowledge the mistake of not obtaining permits prior to work being done on the porch. Mr. Jones allowed him to finish the roof for weather protection, but to be aware that it may need to be removed if this was not approved. However, Mr. Azzolini said that the Board must consider the plan on the merits that are being presented tonight.

Mr. Noss asked if they acknowledge that the garage addition also was started without permits.

Mr. Blok reiterated that he applied for the permits as soon as he was told to. The permit is still open and he thought he could do the current porch work as an "add" to the addition permit. He did not check with the Building Department, but he has done this in other towns and assumed it would be fine here.

Mr. Chiarolanzio said that he was advised that way so the old work can be closed out so it can be occupied. Now you are tying it to the current work. You needed a permit before any work can begin. You also need a permit for any structural work that is to be done no matter what.

Mr. Noss said that the Board needs to focus on the variances being requested. He asked for any questions.

Mr. Senesky stated that the fact that the work was done without permits cannot be considered by the Board. The Board also cannot be concerned about any financial loss to the applicant if the variance is not granted. That cannot be considered a hardship.

Mr. O'Connor commented that Mr. Blok knew he needed a permit for a fence, but not for construction?

The meeting was opened to the public.

Frances Derin, 248 Brooklake Road. She asked about the drainage from the project.

Mr. Clarke said that whenever a hard surface is added, there is a concern over drainage. They will install a drywell that will capture all the runoff from the driveway.

Mr. Novalis asked about where the gutters on the addition will be drained.

Mr. Blok said that the underground drains go the street and the porch will be tied into those drains. The patio runoff goes to Crescent Road.

Mr. Clarke said that the work will not exacerbate the condition if it is tied into the system.

There were no other questions. Mr. Noss asked for any comments.

Frances Derin, 248 Brooklake Road: She said that she borders the property on the back and side. She said that she has no issue with the porch or the proposed circular driveway as long as it faces Crescent Road. But for her, drainage is a big concern. She provided photos of her property.

O-1 – O-3: photos of 248 Brooklake Road property (2015-2016)

Ms. Derin said that water collects on her property more now than ever before. The drainage pipes in the picture leads to her property line. Her property is very wet and soggy now because of all the work that was done already. The water problem is continual and throughout every season. She wants to be sure that the problem will not get worse, and she wants the current water problem alleviated. She already contacted the Engineering Department, but has gotten no results. She is now appealing to the Board to ensure her of relief to the problem. Her property is always wet. She is only concerned with the water.

Mr. Azzolini requested a break.

Break: 9:15pm-9:20pm

Mr. Azzolini asked that the Board carry the application to the October 18, 2017 meeting without further notice or publication. They want an opportunity to review the drainage situation on the property.

Mr. Zeien made a motion carry the application to the October 18, 2017 meeting, second by Mr. O'Connor
Roll Call: On a roll call vote all members present and eligible voted to carry the application

7. **Nicholas & Maria Fano**
26 Woodbine Road
Block 3702, Lot 12

Application #BOA17-11
excess lot coverage

Applicant is seeking approval for the construction of a deck.

Steven Schaffer, Esq. represented the applicant. The property is located in the old R-25D zone that has since changed to R-25. It was developed as a clustered subdivision that included a lake which was dedicated to the Borough. The lot sizes in this area are undersized for the zone and most are overdeveloped. The 2015 Master Plan re-examination recommends the area be rezoned to R-15 because the lot sizes more closely match that.

A 216 square foot deck is planned to be constructed. As part of the application, 220 square feet of driveway will be removed so there is no additional lot coverage. The current lot coverage of 44.29% was in existence when the home was built in 1981. It pre-dates the 30% coverage ordinance that was adopted since then.

Nicholas Fano, homeowner, was sworn in. He bought the property in February 2017 from the original owner.

A-1: Photo board depicting property from various angles.

He explained that he wants to build a 216 square foot deck in the rear of the home that will be screened from the neighbor by a bump-out room. It will not extend past that. It will be 3-4 feet off the ground. There is a privacy fence on the other side of the property that belongs to the adjacent neighbor.

Mr. Fano plans to remove 220 feet of blacktop from the large driveway. Installing the deck will add 216 feet of lot coverage but it will still be slightly under what exists today. In addition, the deck is more pervious than the blacktop even though it is treated the same under the Borough ordinance.

A-2: Old survey of property dated 1981

This survey confirms that the coverage that exists today is the same coverage that existed at the time of original construction in 1981.

Mr. Fano continued that decks are a very common amenity in the neighborhood. There will be no impact on groundwater and will improve runoff since it is more pervious than the blacktop. There are no other variances needed with this application. The driveway will still be serviceable even with some removal.

Mr. Schaffer stated that the lot coverage limit of 30% was adopted in 2002. Mr. Fano's research concludes that no new elements have been added since the property was developed. The excess coverage predates the ordinance.

There were some questions as to whether a variance is actually needed and it was ultimately determined that if the coverage is changing but the amount of coverage is staying the same, a Board appearance is required.

Mr. Noss stated that he appreciates the blacktop removal and agrees that the deck is a better option as it relates to runoff.

There were no questions or comments from the Board or the Public. Mr. Noss called for a motion.

Mr. Zeien 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 9:50p.m.

Marlene Rawson
Board Secretary

September 27, 2017