

**Zoning Board of Adjustment  
Regular Meeting Minutes  
May 16, 2018**

The Regular meeting of The Borough of Florham Park Board of Adjustment was called to order on Wednesday evening May 16, 2018 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. Brian O'Connor  
Mr. Ron DeRose  
Mr. Jason Jensen

**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 7:00p.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:**

- |           |   |  |
|-----------|---|--|
| <b>1.</b> | <b><u>Shrager-Marchal</u></b><br>109 Edgewood Drive<br>Block 3002, Lot 10 | <b><u>Application # BOA 18-10</u></b><br>building coverage |
|-----------|---|--|

Applicant is seeking approval for excess building coverage in connection with previously built overhangs.

Sharon & Joshua Marchal were sworn in. They stated that they are the new owners of 109 Edgewood Drive. During the due diligence phase of the purchase process of the home, it was discovered via an OPRA for the property that there was an open permit for surface grading that stemmed from the initial construction of the home in 2014.

The Engineering Department would not close the permit because the newly received "as built" survey of the home revealed that the building coverage exceeds the maximum allowable amount.

Mr. and Mrs. Marchal stated that the excess building coverage is due to overhangs that were added to the home during the construction phase. They were not the owners at the time and are now looking to make things right. The overhangs have lighting inside them. They add esthetic value and serve a practical purpose by offering protection from the elements. They want to keep them.

Mr. Cannilla and Mr. Senesky asked if the former owner is here for questions. Maria Shrager was sworn in. She is the former owner and said at the time she did not know that there was anything outstanding other than tree replacement which has since been settled. She stated that she obtained a C/O from the Building Department in 2014 and thought that everything was in order.

Mr. Senesky referred to a 2014 letter from the Engineering Department to Ms. Shrager requesting an "as built" survey. She claimed that her Engineer mailed it at that time. She does not know why they did not receive it and reiterated that she was issued a C/O by the Building Department.

Ms. Shrager admitted that the overhangs were not on the original plans that were approved by the Building Department. She said that during the construction, she decided to add the overhangs to the front porch, back door and garage, not realizing that it would change coverage calculations. She stated that her engineer was probably not aware that the overhangs were added during the construction phase.

Mr. Cannilla asked Ms. Shrager who her contractor was. She stated that it was her father. Mr. Cannilla was surprised that as a builder, he did not know that any change to the plans must first be filed with the Building Department. This is a large home and built close to all coverage limits. If that step was not skipped, the overage would have been discovered immediately.

Mr. Marchal said that this process was very frustrating and his opinion was that the Building Department did not have complete files. He did not want to be held responsible if they lost documents.

Mr. Noss said that the Board must focus on the excess building coverage of .8% that exists today.

Mr. Cannilla said that he understands the frustration of the new owners since it is not their fault. However, builders must understand and should know that when changes to the plan are made in the field, they must be filed with the Building Department first. This issue is coming up quite frequently with new home construction in Florham Park.

Mr. Cannilla also advised Mr. and Mrs. Marchal that no more improvements can be done on the property since they are over on building coverage and out of lot coverage as well.

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

Mr. Noss made a motion to approve the application with the notation that the overage is due to three overhangs. He requested that Ms. Shrager advise her father of the process when design changes are made. Second by Mr. O'Connor.

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

**7. John Davenport**  
1 Hopping Lane  
Block 903, Lot 19

**Application # BOA 18-7**  
front yard setback

Applicant is seeking approval for a front yard setback variance in connection with a front porch.

John Davenport was sworn in. He explained that he is in the process of renovating and updating his home. As part of this plan, he would like to construct a portico over his front entrance.

Mr. Cannilla stated that a few years ago, the zoning ordinance was amended to allow porticos of a certain size to be added without the need for a variance. This portico that is proposed in the application exceeds that permitted size.

Mr. Davenport explained that the portico as constructed would only be three additional feet into the setback of the home. The reason is that the 2<sup>nd</sup> story of the home is already cantilevered out two feet beyond the first floor. The portico would be affixed to that. This would create a covered area that is actually five feet deep but is nine feet wide.

Mr. Davenport said that the dimensions of the portico are the same as the existing front landing which will not change. The covered landing will create a more appealing front façade. It will offer protection from the elements and add a certain degree of safety from weather conditions. It will be similar in appearance to other homes in the area and all of Florham Park that have been updated and improved.

Mr. Novalis asked Mr. Davenport if he knew how the side yard setback got to be only four feet. Mr. Davenport stated that he did not know and that condition existed when he purchased the home. Mr. Cannilla thought that perhaps a second garage bay was added somewhere along the line and prior their purchase.

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

Mr. DeRose made a motion to approve the application, second by Mr. Jensen.

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 8:00p.m.

Marlene Rawson  
Board Secretary

May 16, 2018