

**Zoning Board of Adjustment
Regular Meeting Minutes
June 5, 2019**

The Regular meeting of The Borough of Florham Park Board of Adjustment was called to order on Wednesday evening, June 5, 2019 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. Ted Trautman (2nd Alt)

Members Absent:

Mr. Rick Zeien
Mr. Jason Jensen
Ms. Elizabeth Roseman (1st Alt)

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."

Approval of Minutes:

Approval of Minutes from May 15, 2019 Meeting.

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

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

Resolution of Denial:

Antonio Poto
155 Ridgedale Avenue
Block 1906, Lot 7

Application # BOA19-7

Applicant is seeking approval for a front and rear yard setback in connection with the construction of a new dwelling.

Mr. Novalis made a motion to approve the resolution, second by Mr. O'Connor.

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

C Variance:

1. **Joseph DeFillippes**
20 Brooklake Road
Block 4101, Lot 28

Application # BOA18-14
R-15 zone

Applicant is seeking approval for building height, building coverage, lot coverage in connection with a detached garage. Carried from the May 15, 2019 meeting.

Harvey Gilbert, Esq. represented the applicant. Mr. Gilbert stated that the applicant has agreed to remove the garage/storage shed entirely from the property. John Ferrante, engineer for the applicant, remained under oath. He showed the previously marked exhibit A-2.

The building coverage is existing at 23.49%. This includes the house, steps, stairs, deck and shed, and all overhangs. The 2004 resolution of subdivision approval limited the building coverage to 12.89%. By removing the garage/storage shed (613sf), this will bring the building coverage down to 19.4%.

A-4: original floorplans submitted for building permit

Mr. Ferrante explained that even when the home was proposed, it did not comply with the building coverage limitation of 12.89%. Specifically, the overhangs were not included in the building coverage by the architect. The building coverage was actually 17.07% when the overhangs are factored in (2300sf). Since then, the front and rear porches were roofed and a covered deck was added.

Mike Cannilla stated that during the subdivision hearing, there was no attached garage on the house plans. It was only to be a small home with a detached garage. However, a larger home was then built. He stated that the requirements of the subdivision were not met. The Board at the time wanted a smaller building footprint.

Regarding lot coverage, the applicant also proposes to remove all gravel, some asphalt on the north side of the home as well as the garage/storage shed. This will reduce the lot coverage to 34.6% where 30% is permitted. There is also a side yard setback deficiency of a matter of inches that is being sought due to the overhangs.

Also, lot 16 will be compliant at 30% lot coverage when the shed, gravel and pavement are removed.

Jeff Noss asked why this overage was not discovered prior to a certificate of occupancy. Mr. Gilbert did not know. All plans were approved. John Novalis said that there was no double checking done before the issuance of a C/O at that time

Mike Cannilla confirmed that these same plans were submitted the time of a permit. Mr. Ferrante said the zone chart on the plans had 15% building coverage on it. It included the house and attached garage but with no overhangs. The deck appeared on a revised drawing submitted at a later date.

Mr. Ferrante said that the house with overhangs equals 2300.07 square feet or 17.07% of building coverage. The house, overhangs including porch overhangs, and covered deck totals 2616 square feet or 19.4% of building coverage.

Harvey Gilbert stated that it is important to note that all permits and C/O's were granted for this. They will eliminate the shed but there is nothing more that they can do. The deck is not offensive. His client is trying to make it right as best as he can and has spent a lot of time on this. If the deck was removed it would only be a 1.5% difference. They would still need a variance. Mr. Gilbert stated that Mr. DeFillippes

was guided by his professionals who designed the plan. He acknowledged that changes were made but plans were approved by the town and the applicant believed that everything was okay.

Mr. Cannilla felt that the resolution should have been presented to the architect and the town officials.

John Novalis said that he understood that, but then the applicant continued and built the garage and pavement without permits.

Kurt Senesky added that mistakes were made by both Mr. DeFillippes, his professionals, and the town officials. However, his subsequent conduct seems to indicate that he knew that the garage/shed was not permitted.

Jeff Noss added that the deck and the porch overhangs did not have permits either.

The meeting was opened to the public.

Barbara Nevius. She asked if there was a permit for the deck. Mike Cannilla replied that it was not submitted with the plans. If it was removed, there would be a reduction of 1.5%. The building coverage would be 17.5% with no deck.

Mr. Senesky confirmed that the patio is 849 square feet. There was discussion on removal of some of the patio. The applicant ultimately agreed to remove enough of the paver patio to meet the 30% lot coverage requirement. They will remove the garage/storage shed and all the pavement in the rear. The request is now for 19.4% building coverage and a minimal side yard setback.

They also agreed to remove the gravel driveway on lot 16 that is immediately adjacent to this lot. They agreed to a time period of 6 months or to the end of 2019 in order to bring this into compliance.

After some discussion, it was decided that any reference to lot 16 will not be part of this resolution.

Mike Cannilla asked if there was any consideration given to modifying the deck to remove the cover. The applicant responded that there was not.

Their application was complete. There were no other questions or comments. Mr. Cannilla called for a motion.

Mr. Noss asked Mr. Senesky what the consequences would be if the application was not approved by the Board. Mr. Senesky stated that it could lead to a summons by the enforcement official and an appearance before the municipal court judge. The judge could direct the application back to this Board. He added that municipal court judges do not like to handle these kinds of cases.

Mr. Noss made a motion to approve the application second by Mr. Trautman.

Roll Call: Noss, yes; Trautman, yes; Cannilla, no; Novalis, no, O'Connor, yes.

Application is approved 3-2.

2. **Lauren Cervino**
4 Keyes Street
Block 1908, Lot 13

Application # BOA19-9
R-15 zone

Applicant is seeking approval for a front and side yard setback in connection with a porch addition, plus driveway width and improved coverage in front of a principle structure related to driveway improvements

Mr. and Mrs. Cervino and their architect, Daniel D'Agostino, were sworn in. They are seeking relief for a front porch and circular driveway. The required front setback is 40 feet and the porch overhang projects into the setback by 2 feet. It also projects into side yard setback 2 feet. They noted that the foundation

of the home is compliant at more than 10 feet on the side. Also of note is that the overhangs are on a one story porch only.

There is a planned circular driveway that violates the maximum lot coverage limit in the front yard and also curb cuts.

A-1: colorized version of sheet 1 of plan set

A-2: photo series of various Keyes Street homes with circular driveways, plus group home on street parking.

Mr. D'Agostino stated that the applicants need a circular driveway in order to exit safely. They are close to the intersection of Ridgedale Avenue and their street is popular for cut-thru traffic. In addition, there is a group home close by that generates frequent on-street parking for staff.

The maximum coverage permitted in a front yard is 40% and they are at 54.17% due to the large driveway. It was stated that the overall lot coverage for the entire lot is 22.6% which is well under the allowable amount of 30%.

A-3: photo rendering of proposed home

Mr. D'Agostino said that the curb cuts are proposed to be one at 15ft and the other at 22ft. He explained that he cannot attain the proper turning radius and needs the wider curb cut. Mr. Cannilla asked if they considered a "T" or hammerhead driveway. Mr. D'Agostino replied that from a design point of view, that is not as attractive and tends to look like a parking spot.

Mr. Novalis pointed out that there is a lot of fill that will be needed in order to raise the grade because the front property is so sloped. It will be very difficult to do a circular driveway since the pitch will be so steep. Mr. Cannilla agreed and thought that they should research the driveway elevation because of the slope.

Mr. D'Agostino had not considered that and stated that he will look into that. He also said that there is a large tree that may be in the way if they considered a hammerhead type of design. Mr. O'Connor asked if the tree is a town tree. Mr. D'Agostino was not certain but thought that if the tree was in the way of the driveway, he would be able to remove it.

Mike Cannilla mentioned that if the tree is a town tree, meaning that it is in the right-of-way, they should confirm with the town that it can be removed. He said that they can carry the application to the next meeting without further notice in order to research the driveway options and whether an alternative design would work.

Lauren Cervino indicated that she was anxious to move forward with the project. She was not sure if the hammerhead design would work for her. She was also not certain where exactly the tree is located.

The meeting was opened to the public.

Bill Zuckerman, 12 Keyes Street. He stated that several homeowners on the street wanted to take down the large town trees that are on their property but in the right-of-way and were denied by the town. He did not think that they will be able to remove the tree.

Liz Uziel, 2 Keyes Street. She confirmed that the addition to the home is not close to her property. She felt that the group home did not get permits and no notification. She said that there is activity all day and all night with staff coming and going.

Mike Cannilla stated that the group home is a permitted use and no hearing was required.

Mr. D'Agostino felt that it was best to research the driveway issue to determine which design will work the best and whether there will be problems with tree removal if it is needed. Lauren Cervino agreed to carry the application to June 19, 2019 without further notice.

Mr. Cannilla called for a motion.

Mr. Noss made a motion to carry the application to the June 19, 2019 meeting without further notice, second by Mr. O'Connor.

Roll: All members present and eligible voted to carry the application.

On a motion duly made and seconded the meeting was adjourned at 9:15p.m.

Marlene Rawson
Board Secretary

June 5, 2019