

**Zoning Board of Adjustment
Regular Meeting Minutes
October 17, 2018**

The Regular meeting of The Borough of Florham Park Board of Adjustment was called to order on Wednesday evening October 17, 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. Rick Zeien
Mr. Brian O'Connor
Mr. Jason Jensen
Ms. Elizabeth Roseman, 1st Alt
Mr. Ted Trautman, 2nd Alt

Members Absent:

Also Present:

Mr. Kurt Senesky, Esq., Board Attorney

Call to Order:

Mr. Cannilla, Chairman called the meeting to order at p.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 October 3, 2018 Meeting.

Mr. Zeien 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.

Use Variance, Preliminary & Final Site Plan:

8. Artis Senior Living
301 Columbia Turnpike
Block 1602, lot 5

Application #BOA17-13
use, preliminary & final site plan
R-25 zone

Applicant is seeking approval for an assisted living facility.

Applicant requested that the application be carried to the November 28, 2018 meeting without further notice or publication.

The Board was concerned about how long the application has been carried. They thought that people may have lost track of it. It was stated that a number of individuals keep in contact with Marlene Rawson, Board Secretary regarding the status of this application. It was noted that no one is here tonight for that application. Attorney Kurt Senesky did not think that it was necessary to require them to re-notice but stated that it is up to the Board.

Mr. Zeien still felt that the applicant should re-notice and the other board members seemed to agree. Mr. Cannilla asked for a motion

Mr. Zeien made a motion to carry the application to November 28, 2018 with the requirement to re-notice and republish. Second by Mr. O'Connor.

Roll Call: On a roll call vote all members present and eligible voted to carry the application with the requirement to re-notice and republish.

C Variance:

6. Jonathan Guerrieri & Ariana Centanni
20 Kenneth Court
Block 2002, lot 30

Application # BOA18-15
R-15 zone

Applicant is seeking approval for a rear yard setback variance in connection with an addition.

Mr. Guerrieri stated that he and his wife purchased the home in May 2018. They are enlarging and renovating the split level home to create a more functional and updated design. They want this to be their long term home.

The home is situated on an odd shaped lot and the two story rear addition extends seven feet beyond the rear setback line in one corner. This is where the relief is requested. The overall project will be in concert with improvements to homes in the area.

Mr. Novalis asked about the front porch which appears to be inside of the front setback. Mr. Guerrieri stated that the porch is existing and was there when they bought the home. There is no plan to alter it. Mr. Cannilla said that it would remain as preexisting, non-conforming.

Mr. Cannilla continued that the lot is uniquely shaped and the determination of where the rear yard actually is appears to be subjective. It could have been determined to be slightly to the right which would eliminate the need for any relief.

Mr. Noss asked how far away the homes are that are beyond the rear yard. Mr. Guerrieri stated that those homes are on Brooklake Road. Their lots are extremely deep and the distance to those homes from his property is probably an acre.

Mr. Cannilla noted that there is no building coverage or lot coverage issue with this application. It does not constitute overdevelopment. The orientation of the home triggered a variance that may not have been needed if it was oriented differently. He has no concerns with this.

Mr. Zeien asked about the storm water and drainage. He said that he is aware that the area tends to be wet and soggy and does not want that situation made worse. Mr. Guerrieri agreed and stated that the runoff will be piped to the street or otherwise properly managed in accordance with the storm water management regulations.

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

Mr. Zeien made a motion to approve the application, second by Ms. Roseman.

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

7. **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.

Joe DeFillippes and John Ferrante, Engineer were sworn in. There is a one story detached garage that was constructed without approval. They stated that a stop work order was issued on November 6, 2016 and also on April 20, 2018. The garage was constructed in 2016.

Mr. DeFillippes gave a brief history of the property. It was part of a 2004 subdivision that created 2 lots that are 50 feet wide. The detached garage was approved to be constructed in the rear as part of the subdivision, in addition to two other structures. The Planning Board Resolution of Approval (page 6) permitted the detached garage on Lot "B" which is the subject lot.

Mr. Cannilla noted that as part of this approval, there were limitations put on building coverage that included the garage. The home that ultimately got built exceeded this building coverage and the garage exacerbated that condition. He asked how the home got so large. The permitted building coverage is 12.89% including the garage. The house is much larger than what was permitted.

Mr. DeFillippes did not remember how that happened and said that the plans were approved by construction.

Mr. Ferrante said that he applicant owns both lots. The garage is accessed through the adjacent lot and it is only used for storage of garage doors. He cannot access this garage from the existing lot. Mr. DeFillippes said that lot 20A is the original structure and the driveway was existing at the time of the subdivision.

Mr. Cannilla restated that lot 20 looks overbuilt and asked if they meet the requirement. Mr. Ferrante said that they probably do not.

Mr. Cannilla said that the existing structure on lot 20A also looks over on lot coverage. Mr. Ferrante said that they can remove the pavement and gravel, but the garage will not be accessible by vehicle. Mr. Cannilla asked how they could get the garage doors out then.

Mr. Novalis asked about the deck and paver patio and if they had permits for them. Mr. DeFillippes said he thinks it was part of the house plans. Mr. Novalis said that in 2008 the deck was not approved, nor was the paver patio.

Mr. DeFillippes did not recall any specific facts.

Mr. Senesky confirmed that lot 20 is the newer home.

Mr. Cannilla asked if they had the subdivision plat. Mr. Ferrante said that they do not. He said that they asked the town for the subdivision plat and was told that they cannot find it.

Mr. Cannilla did not want proceed with this application until he reviews the subdivision plat from 2004.

Mr. Ferrante stated that they will continue try to locate the subdivision plat.

The application was carried to the December 5, 2018 meeting without further notice or publication.

Mr. Zeien made a motion to carry the application to December 5, 2018, second by Mr. Jensen.
Roll Call: 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 8:00p.m.

Marlene Rawson
Board Secretary

October 17, 2018