

**Zoning Board of Adjustment  
Regular Meeting Minutes  
August 7, 2019**

The Regular meeting of The Borough of Florham Park Board of Adjustment was called to order on Wednesday evening, August 7, 2019 at 7:00p.m., in the Municipal Building, 111 Ridgedale Avenue, Florham Park, New Jersey.

**Members Present:**

Mr. Michael Cannilla, Chairman  
Mr. John Novalis  
Mr. Ted Trautman  
Mr. Matt Engel (2<sup>nd</sup> Alt)

**Members Absent:**

Mr. Jeffrey Noss, Vice Chairman  
Mr. Rick Zeien  
Mr. Brian O'Connor  
Mr. Jason Jensen  
Ms. Elizabeth Roseman (1<sup>st</sup> Alt)

**Also Present:**

Mr. Kurt Senesky, Esq., Board Attorney

**Call to Order:**

Mr. Cannilla, Chairman called the meeting to order at 7:15p.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 July 17, 2019 Meeting.

Mr. Trautman 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 Approval:**

1. **Steve Ha**  
15 Dellwood Drive  
Block 3405, Lot 4

**Application #BOA19-8**

Applicant is seeking approval for excess lot coverage in connection with an above ground swimming pool.

Mr. Novalis made a motion to approve the resolution, second by Mr. Trautman.

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

**Use Variance, Preliminary and Final Site Plan:**

2. **Jacobus Family Realty, LLC**  
80 Passaic Avenue  
Block 4202, Lot 3

**Application # BOA 19-2**

Applicant is seeking approval for certain modifications to update and improve operations at an existing contractor storage yard.

Mr. Trautman made a motion to carry the application to the September 4, 2019 meeting with no further notice or publication, second by Mr. Novalis.

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

**Use Variance:**

3. **Lucco Cucina & Bar**  
207 Ridgedale Avenue  
Block 804, Lot 6

**Application # 19-5**

Application is seeking approval for relief of prior resolution conditions related to hours of operation.

Mr. Novalis made a motion to carry the application to the September 4, 2019 meeting with no further notice or publication, second by Mr. Engel.

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

**C-Variance:**

4. **Ketal Patel**  
19 Circle Road  
Block 2412, Lot 12

**Application #BOA19-11**

Applicant is seeking approval for excess building coverage, rear yard setback and front yard setback in connection with a kitchen addition, patio, and front entry portico.

Ketal Patel and Anna Sousa, Architect were sworn in. Ms. Sousa described the following exhibits.

A-1: Photos (2) of front entrance

A-2-A-5: Photos of rear yard with cones outlining kitchen addition

Mr. Patel stated that he bought the home one year ago. The kitchen is very small and does not meet the needs of their growing family and their extended family. They are planning to enlarge the kitchen out the back. The lot is about ½ acre in size.

Mr. Patel described the floor plan. The kitchen extension will go out the back and will be 34 feet from the rear property line and back fence. The current patio will be partially relocated to be adjacent to the kitchen. It was noted that they are still below the lot coverage limit with the proposed improvements. The lot coverage will be 27%.

They also need a front door portico for covered access to the home and protection from the weather. Mr. Cannilla stated that the porch is proposed to be 6 feet deep which is triggering the variance. If the porch were made to be 5 feet deep, it would comply and no variance would be needed.

Mr. Patel agreed to reduce the porch and portico to 5 feet deep and 6 feet wide and eliminate the variance request.

Ms. Sousa stated that the lot is a corner lot and a little short in depth at 119 feet where 150 feet is required. These conditions reduce the buildable area and causes setback issues. There are also no windows proposed that will face the rear. There is a fence along the rear of the property and the neighbor's garage is on the opposite side of the fence. Landscaping will further screen the addition from any street view.

Mr. Cannilla asked if the home had any variances in the past since they are already over on building coverage. Mr. Patel did not know the history. Mr. Cannilla asked about the purpose of the shed that is on the property. Mr. Patel stated that he needs it for storage of tools and outdoor equipment. Mr. Cannilla replied that it is quite large at 153 square feet, and if it was 100 square feet or less, it would not count as building coverage.

Mr. Patel stated that if he must purchase a smaller shed, he will do so.

Mr. Cannilla said that he is very concerned with the building coverage. He said that Mr. Patel can think about it and come back. If the shed was made to be no more than 100SF, it would reduce the building coverage by .7% to 16.7%.

Mr. Patel said that they already looked at the kitchen plan and reduced it from what they originally wanted.

Mr. Cannilla noted that the kitchen area is quite large and was not sure of the need for a breakfast area and a 10 foot island with stools.

Mr. Engel asked how the two patios that are 250sqft. each would function. Mr. Patel said that one is for grilling area and table, and the other is for a seating area.

Mr. Novalis stated that the building coverage was over the limit when Mr. Patel bought it. It is a common problem in Florham Park that buyers are unaware that the property is improved to the maximum permitted. Mr. Novalis said he has no problem with the portico and the shed being reduced. Mr. Novalis also noted that the kitchen is very long at 27 feet. He asked if they could consider reducing it by 3 feet.

Mr. Engel asked about the distance from the back wall to the island. Ms. Sousa said that the island is in a very compact area with several doors so moving the island is not an option.

Mr. Cannilla said that the positives must outweigh the negatives to the zone plan.

Mr. Senesky explained what a hardship to the property would be and alternately, how they must demonstrate the purposes of zoning. The hardship also cannot just be personal to the homeowner but to the property. The granting of the variance must outweigh any detriments. He recommended to confer with his architect on what they want the Board to vote on.

Mr. Cannilla suggested options and reiterated that it is a large home. He said that there are other rooms in the home such as a library and fireplace room that have limited use. Most homeowners in Florham Park do not have those spaces. There may be an opportunity to repurpose one of those rooms.

Mr. Patel asked for a break for 5 minutes.

Break (8:15pm-8:20pm)

Mr. Patel stated that after speaking with the architect, they will agree to the following changes:

They will make the portico 5 feet and eliminate the variance.

They will replace the existing shed with one that is no larger than 100sf.

They will reduce the length of the kitchen from 27 feet to 24 feet. The patio will also be made smaller to match the kitchen extension.

These changes will reduce the building coverage by 203sf. The building coverage percentage will be reduced by 1.03% and now be 16.4%.

Mr. Patel said that he is comfortable with the changes and prepared for a vote on the application.

Mr. Cannilla asked for a motion.

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

Roll Call: Trautman, yes; Novalis, yes; Cannilla, no; Engel, yes.

**5. Michael Galanti**

**Application #BOA19-12**

143 Braidburn Road  
Block 3004, Lot 9

Applicant is seeking approval for excess lot coverage, side yard setback, and a driveway setback in connection with a detached garage, patio, and driveway extension.

Michael Galanti and Doug Asral, architect, were sworn in. Mr. Galanti said that they re-built the home and added a second floor. They also installed a drywell on the property. He has been in contact with the Engineering Department and Construction Official about how to deal with water issues in the driveway area. There is an existing driveway setback of one foot where four feet is required that is proposed to be increased.

Additionally, the the neighbor's driveway is on the property line. Mr. Galanti said that he will install Belgian block to line his driveway and drains that lead to the drywell to control his storm water. This was recommended by the Borough Officials. This will keep any runoff on his property.

The maximum lot coverage is 30% and they are proposing 32.18%. This is proposed to be 5.5 feet from the property line where 10 feet is required. They also propose a driveway setback variance of one foot where 4 feet is needed.

Mr. Galanti stated that it is a common condition in his part of town that a detached garage and driveway are on the property line. He said that the original large shed and the patio were removed.

Mike Cannilla and Matt Engel were not convinced that the driveway and detached garage as configured, would actually work. The area for a K-turn is very tight. Other Board members agreed that the driveway and garage locations will not work logistically.

John Novalis did not like the idea of two garages on side by side properties being eight feet apart.

Mike Cannilla and Ted. Trautman suggested moving the garage more to the left. Mr. Galanti stated that his wife would not want that and they wanted an open play area for the children. Other redesign options were discussed. Mike Cannilla recommended looking more closely at the design plan and to make sure that it will work.

Kurt Senesky stated that the changes must be shown on paper.

John Novalis was not in favor of a proposed five foot side yard setback for a large accessory structure/garage.

Mr. Galanti and Mr. Asral said that they could leave the garage where it is, and make the driveway narrower at 10-12 feet and add to the K-turn area by the rear garage. This lot coverage could be reduced

to 32.18%. Mr. Cannilla suggested moving the garage back another two feet to create more space for a turnaround.

Mr. Cannilla suggested that the attorney prepare a positive resolution to be considered at the next meeting after a review of the new plan.

Kurt Senesky asked that the new plan be forwarded to him in advance so that the resolution can be prepared.

Mr. Trautman made a motion to authorize the attorney to prepare a positive resolution and carry the application to the September 4, 2019 meeting, second by Mr. Engel.

Roll Call: Trautman, yes; Engel, yes; Cannilla, yes; Novalis, no.

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

Marlene Rawson  
Board Secretary

August 7, 2019