

**Zoning Board of Adjustment  
Regular Meeting Minutes  
December 5, 2018**

The Regular meeting of The Borough of Florham Park Board of Adjustment was called to order on Wednesday evening December 5, 2018 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. Rick Zeien  
Mr. Brian O'Connor

**Members Absent:**

Mr. Michael Cannilla, Chairman  
Mr. Jason Jensen  
Ms. Elizabeth Roseman (1<sup>st</sup> alt)  
Mr. Ted Trautman (2<sup>nd</sup> 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."

**Approval of Minutes**

**1. *Approval of Minutes from the November 7, 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.

**2. *Approval of Minutes from the November 28, 2018 Meeting.***

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

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

**C-Variance:**

**3. 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.

Applicant requested to be carried to the January 16, 2019 meeting without further notice or publication.

Mr. O'Connor made a motion to carry the application to the January 16, 2019 meeting without further notice or publication, second by Mr. Zeien.

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

7. **Antonio Badim & Lisa Marie Nobre**  
72 Edgewood Drive  
Block 2408, Lot 17

**Application # BOA18-16**  
R-15 Zone

Applicant is seeking approval for excess lot coverage to construct an in-ground pool, concrete decking and shed.

Steven Azzolini, Esq. represented the applicant. Antonio Badim, homeowner, and Peter Korzen, Engineer, were sworn in. He stated that this is a lot coverage request.

Mr. Azzolini stated that Mr. Badim purchased the home in 2012 and completed construction of a new home in March 2014. The builder received a C/O at that time and there was no indication of any excess lot coverage problem. They are also in possession of an "as-built" survey dated 3/25/2014. This survey only shows permitted lot coverage.

This project involves a pool plan and a shed. The shed is already existing because Mr. Badim did not realize that he needed a permit for this. The current engineer discovered that there is an existing condition of 2.7% in excess lot coverage over what was permitted. There has been no changes to the property since the new home construction in 2014 and it is unclear why they are not in compliance. They filed an open public records request in order to understand how this happened but were unsuccessful in locating any information.

Borough Engineer Mike Sgaramella visited the property in March of 2018 and said that there appeared to be no changes from the as-built survey except for the shed.

A-1: Engineer Mike Sgaramella email

They are here tonight in attempt to clean up the file and straighten up the file. They have since hired a different engineer. The applicant has no knowledge of excess lot and building coverage.

Mr. Badim stated that he is a Newark Police detective and his wife is a dentist. He and his family moved here from Harrison, NJ about 6 years ago when he purchased the home. He intended to renovate the home but decided to go with new construction instead.

The design originally called for a front facing garage but was changed to the side entry in the design stages. Mr. Badim stated that his contractor told him that the town building department emphasized that a side entry garage would be more appealing. Mr. Badim was never made aware by anyone that this change affected lot coverage.

He wants a pool primarily because he has a child with special needs that requires therapy in a pool. He felt that it is better to have the therapy at home.

Mr. Noss noted that the updated survey shows all the elements that were there at the project completion except for a shed and generator.

Mr. Senesky said that the driveway is scaling at between 18ft. and 19 feet wide. He asked what was on the construction plans.

Mr. Azzolini responded that they did not see the construction plans. They requested the file and the C/O, but were told that they could not locate it. They wanted to see what changed.

Mr. Novalis asked if the builder went back to the building department with the garage change to adjust the plans. He added that Mr. Badim is responsible since he hired the builder. Mr. Badim said that the builder just built it that way. Mr. Novalis did not understand how it was never noticed that the garage configuration changed. He added that the driveway is probably larger than what was on the construction plans. It is difficult to add things. His builder and architect had to know that they were close to the maximum for coverage.

Mr. Azzolini replied that most homeowners do not know about lot coverage requirements. He gave an example of how the Engineering Dept. required a homeowner client of his to remove lot coverage elements in order to close out an open permit.

Mr. Badim stated that he never would have built the patio if he knew how close he was to the maximum allowable lot coverage.

Mr. Novalis said that the homeowner should be aware of the lot coverage limitations. If Mr. Badim was barely under the maximum, the house was built to the maximum and the architect knew that.

Mr. O'Connor told Mr. Badim that he is already 2.7% over what is permitted and now he wants more.

Mr. Senesky said that they may want to consider eliminating some other elements to get the pool approved. The request for 8.2% is excessive.

Mr. Azzolini said that he is aware that drainage is an issue, but a pool collects water.

Mr. Noss wanted to understand what the process is in order to get a C/O on a new home.

There was discussion about what may have happened. Mr. Azzolini wanted the file to see how this occurred but it could not be located at the time of his request.

Marlene Rawson, Board Secretary stated that there are construction plans that show a side entry garage. The difference is the width of the driveway was showing at 12 feet on those plans, but the current plans depict a wider driveway of 18-19 feet, as stated.

Mr. Senesky stated that would account for the excess coverage. Mr. Azzolini agreed.

Mr. Noss thought that there was no need to finger point blame. He felt that the Borough dropped the ball. Also, the homeowner also paid professionals to manage the project.

Peter Korzen, Engineer was sworn in.

A-2: aerial of home

He described the area homes that are in the neighborhood of the Badim residence. He described the existing conditions on the property and also the proposed conditions. They are proposing a 14 x 35 foot pool with a three foot walkway surrounding it.

He described the drainage plan and added that the pool does not generate runoff. There is a drywell in front and any overflow will be piped to the street. There is a proposed 490 square feet of pool area, and 330 square feet of walkway. The plan will manage and improve the drainage on the property which is presently uncontrolled.

Kurt Senesky asked if removing some of the driveway could be a possibility. Mr. Korzen stated that the driveway is a side entry and a 25 feet width is the minimum necessary. He thought that removing some of the width in front of the garage may be possible. Mr. Korzen said that if it was made it 12 feet wide as it was approved, it would be 216 feet of savings which is close to the walkway.

Mr. Badim responded that he parks his cars side by side in case he needs to leave in a hurry due to his job.

Rick Zeien asked about the paver patio in the rear and if removing some of that could be done. Mr. Badim said that he would rather give up the pool surround. The patio is already there and does not want to tear out.

Other ways of mitigating coverage were discussed. The back portion of the pool walkway is 123 sf. The shed is 100 square feet. The size of the pool could be reduced. Mr. Noss explained to Mr. Badim that it is up to him what he wants to propose.

Mr. Azzolini asked for a break to discuss with his client.

After conferring with Mr. Badim, Mr. Azzolini stated that he is willing to remove the pool surround on the back side of the pool. He is also willing to reduce the pool size from 14ft x 35ft to 14ft x 30 ft. However, it was discovered that they will need a 3ft x 6ft pad for the pool equipment.

Mr. Novalis said that he has no issue with the pool. But the driveway size is problematic for him. That is where the mistake was made. It is 18 feet wide where a standard width driveway is 12 feet wide. If that was reduced to a 12 foot wide driveway, there would be a savings of 260 square feet. Even at a 14 foot wide driveway, there would be a savings of 180 square feet.

Mr. Badim did not want to reduce the driveway. He said that it would be hard to rip out. There is sprinkler piping underneath, and it is finished with Belgian block. He also stated that he needs the shed for storage. He would rather scale the project down rather than deconstruct an existing finished element.

By reducing the pool size to 14ft x 30ft and removing a portion of the proposed walkway, the reduction in coverage would be 160 square feet. Then adding in the required 3ft x 6ft pad for the pool equipment would result in a total coverage reduction of 142 square feet or 1% less than the initial lot coverage request. The request is now for 37.2% of lot coverage.

There were no further questions from the Board or the public.

Mr. Noss asked for a motion.

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

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 8:30p.m.