

**Zoning Board of Adjustment  
Regular Meeting Minutes  
July 1, 2020**

The Regular meeting of The Borough of Florham Park Board of Adjustment was called to order on Wednesday evening July 1, 2020 at 6:30p.m. The meeting was conducted by virtual means utilizing the Zoom service in accordance with the "Senator Byron M. Baer Open Public Meetings Act" of 2020 that explicitly permits a public body to conduct a meeting electronically during a state of emergency.

**Members Present:**

Mr. Michael Cannilla, Chairman  
Mr. Jeffrey Noss, Vice Chairman  
Mr. John Novalis  
Mr. Jason Jensen  
Mr. Matthew Engel (1<sup>st</sup> Alt.)  
Mr. Michael Shiviets (2<sup>nd</sup> Alt.)

**Members Absent:**

Mr. Rick Zeien  
Mr. Brian O'Connor  
Mr. Ted Trautman

**Also Present:**

Mr. Matthew Posada, Esq., Board Attorney

**Call to Order:**

Mr. Cannilla, Chairman called the meeting to order at 6:35p.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 June 17, 2020 Meeting.

Mr. Noss 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.

**Request for Extension of Previously Granted Approval**

1. **Artis Senior Living**  
Columbia Turnpike  
Block 1602, Lot 5

**Application #BOA17-3**

The Applicant requests a one-year extension of the date that the previously approved variances that will expire until March 20, 2021 to coincide with the two-year site plan protection period under the Municipal Land Use Law.

Kate Coffey, Esq. represented the Applicant. They are requesting a one-year extension of use and bulk variances that were granted by this Board on March 20, 2019. The Municipal Land Use Law offers a two-year protection from zoning changes that would be to 2021, however, the Florham Park ordinance states that the permitted use will expire in one year unless construction has commenced. In an abundance of caution, the Applicant is requesting a one-year extension of that so that it coincides with the MLUL protection period to March 20, 2021.

Ms. Coffey continued that the Applicant has been seeking to satisfy the condition of the Resolution of Approval since its adoption. The current COVID 19 pandemic has hampered the ability for the applicant to complete resolution compliance and move forward with the project. In addition, there is no clear indicator as to when business can return to normal.

Mr. Cannilla commented that it is typical for this Board to receive and grant these extension requests. Mr. Noss confirmed that although the one-year Borough protection has technically expired, the approval would be retroactive.

There were no questions or comments. Mr. Cannilla called for a motion.

Mr. Jensen made a motion to approve the request, second by Mr. Novalis.

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

#### **C-Variance:**

**2. Manny Casalinho**  
1 Rever Drive  
Block 2004, Lot 11

**Application #BOA20-4**

Applicant is seeking approval for building and lot coverage, plus a rear yard setback in connection with an addition.

Carried from the March 4, 2020 meeting. Applicant has re-noticed.

Manny Casalinho stated that plans were revised to eliminate two variances that were previously being sought. They have brought the building coverage percentage into compliance at 14.85%. They have also reduced lot coverage to bring that into compliance at 29.67%.

The remaining variance is a rear yard setback. The total lot depth is 135 feet. The required rear yard setback is 40% of the lot depth or 54 feet. They are requesting a variance of a setback of 43.7 feet.

It was noted that at the time that the home was constructed, the required setback was 40 feet. Since then, the zoning table was changed to make it 40%. The home as it currently exists has a non-compliant rear setback of 47 feet due to this change in the ordinance.

Mr. Casalinho said that there is ample space between him and his closest neighbor and there is no impact to the neighbor from this project. He also commented that his property backs up to Columbia Turnpike so there is no neighbor behind him. He confirmed that the shed and gazebo are to be removed.

Mr. Cannilla appreciated the effort the applicant has made in reducing the coverages and removing two of the three variances. He had no objections to the revised plan.

There were no other questions or comments. Mr. Cannilla called for a motion.

Mr. Shivietz 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.

3. **Lisa Quintela**  
5 Spring Valley Drive  
Block 2401, Lot 15

**Application #BOA20-5**

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

Jeff Egarian, project engineer, was sworn in. Lisa Quintela and her husband Joe Ferrante explained that they moved to Florham Park from Bayonne and Jersey City two years ago. They bought a new construction home. Having an in-ground pool was a priority for them when they were shopping for a home. They settled on this home because the builder assured them that "it would not be an issue" to install an in-ground pool. They stated that they saw the large backyard and assumed that the builder was correct.

They said that they were all excited about putting in the pool until they met with the project engineer and discovered that the home and property, as originally built, was already at the maximum lot coverage allowed by ordinance. They were completely unaware of that when purchasing the home. Joe Ferrante stated that they would have looked for a smaller home so that they could have a pool with no problems. Ms. Quintela commented that she did not need a home that large but a pool was very important to her.

Jeff Egarian stated that the pool plan would put the lot coverage over by 3.44%. The in-ground pool is 16ft x 36ft. It is comprised of 576sf of pool surface and 108sf of 1ft wide of pool coping. This is a bare bones project. There is no pool patio and no decking around the pool.

Two trees will need to be removed as part of this project. There is minimal grading and minimal lot disturbance involved. There is minimal effect on storm water. The pool itself actually captures storm water. There are existing detention pits that were installed at the time of the house construction.

Mr. Egarian stated that although the original site plan for the property referenced a lot coverage of 23.9%, it was prepared prior to the builder installing a small rear patio and a walkway. This brought the coverage to 28.5%, leaving the new homeowner with only about 209sf of available coverage.

Mr. Cannilla stated that a developer who represents one thing that puts everyone in an awkward position challenges him. He asked about the capacity of the seepage pits. Mr. Egarian replied that they have 647 cubic feet of space and are using 615 cubic feet, leaving a surplus of 32 cubic feet. The pool coping would use 27 cubic feet. The entire pool would use 171 cubic feet, however, as stated, the pool acts as a basin.

Matt Engel asked about the driveway bump-out that extends beyond house. Jeff Egarian replied that it is an operational element for vehicular circulation. Since it is a side entry garage, there must be space to back out of the garage.

John Novalis stated that he is very familiar with pools and their operations. He said that there is excess water in the pool after a significant rainfall. He asked where that would be discharged. Mr. Egarian stated that ideally the water would remain in the pool until it evaporated. The other option would be to discharge it into the lawn. John Novalis asked about a backwash system that handles this. Lisa Quintela replied that the pool is designed with a certain filter that does not require a backwash system. She was surprised herself, since she has had pools before and is well aware of the backwash.

Mr. Cannilla asked if they would be able to put a small structure adjacent to the pool to capture any runoff that may come from the backwash system. Jeff Egarian replied that a French drain could be installed around the pool with a small plastic chamber for any additional runoff.

Jeff Noss asked if any improvements affecting coverage were made to the home after purchase. Lisa Quintela replied that the home and property is exactly the way it is when they bought it. They did not make any changes or additions.

Jeff Egarian commented that the site plan indicating 23.9% is what was submitted to the Borough for permitting purposes. It is not uncommon for a developer to add a walkway and patio after that since there was enough coverage to allow for that. He added that the builder should have advised the homeowner that they are very near the coverage limitation.

Lisa Quintela stated that she was very unaware of the idea of lot coverage when shopping for a home. Before they put an offer in on the home, they saw the large back yard and asked the builder if they could put a pool in. He responded "Yes, sure, of course". They are from Bayonne and Jersey City where there is very little green space. It was not until they moved forward with their pool plan that she learned about lot coverage requirements.

John Novalis said that he is in favor of pools because it brings many benefits to the entire family. He believes that it is an improvement that is the least impactful to lot coverage and to the community. They are not any noticeable structures. They do not alter sunlight like an addition would. He added that the virus situation in the country today might not change for quite a while. We should look at pools differently as far as the code goes. A pool will provide enjoyment and recreation for the family that they may not otherwise have.

Mr. Cannilla understands the comments and knows that many pool plan applications the Board sees are much more elaborate before being scaled back. This application took a different approach and realized early on that their plan needed to be reduced.

Lisa Quintela stated that they will replace the fence surrounding the property. They will add a privacy fence that will be to pool code.

Mr. Engel asked about the paver walkway that connects the driveway to the patio. He agreed with Jeff Egarian that the access point would be heavily used and if it were grass, it would be trampled and become impervious.

Mike Schivietz confirmed that they will agree to add the plastic chamber that Jeff Egarian suggested.

Mike Cannilla noted that there is not much opportunity to reduce lot coverage. He was pleased with the storage structure that they agreed to.

There were no more questions or comments. Mike Cannilla called for a motion.

Mr. Noss 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 8:00 p.m.

Marlene Rawson  
Board Secretary

July 1, 2020