

**Zoning Board of Adjustment
Regular Meeting Minutes
April 7, 2021**

The Regular meeting of The Borough of Florham Park Board of Adjustment was called to order on Wednesday evening, April 7, 2021 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. Jeffrey Noss, Vice Chairman
Mr. John Novalis
Mr. Rick Zeien
Mr. Brian O'Connor
Mr. Ted Trautman (left at 7pm)
Mr. Jason Jensen
Mr. Michael Shiviets (2nd Alt.)

Members Absent:

Mr. Michael Cannilla, Chairman
Mr. Matt Engel

Also Present:

Mr. Matthew Posada, Esq., Board Attorney

Call to Order:

Mr. Noss, Vice-Chairman called the meeting to order at 6:30 p.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 March 17, 2021 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.

Resolution of Approval:

2. **Victor Leonardis**
6 Felch Road
Block 2407, Lot 5

Application # BOA 21-02

and do not want to move. He has a flat yard with plenty of space. The pandemic has caused them to want personal and private space for outdoor activities in order for his family to feel safe.

Mr. Egarian said the property is in the R-15 zone. The pool size is proposed to be 18ft x 36ft. The improved lot coverage will increase to 34.2%. It conforms in all other respects. Mr. Egarian noted that there is a large driveway that wraps around the home to a rear-loading garage. The extra paved asphalt area to bring it around to the rear adds 1350sf of coverage creating a shortage of available coverage.

Mr. Egarian explained that the water will be managed by a drain line that will be around the pool and will attach to the existing connection at the house where to the leaders are. From there it will be piped to the curb at the street. There is no negative impact associated with this project to this property or any of the neighbors. A pool code fence will be installed. The mechanical equipment system will be adjacent to the house.

Mr. Novalis questioned whether the four-inch drainpipe is large enough to handle the added water from the pool if there is a heavy rain. Mr. Egarian responded that they have the software to calculate that and he believes that it will easily handle it since there will not be a lot of water coming out of the pool area.

Mr. Novalis did not think a 4" drain would be large enough to accommodate the combination of both the house and the additional 1300sf of pool runoff. Mr. Hegan stated there are two downspouts on the house that lead to separate underground drains. It will not be the entire roof on one drain.

Mr. Egarian said he can provide the detailed calculation. It is usually based on a 25-year storm. There is also 6" of free board on the pool that will capture the pool. Mr. Novalis said there is also a 542sf patio that has to be calculated. He wanted those calculations. Mr. Egarian is confident that the system will work.

Mr. Noss asked if the pipe in question is adequate to handle the house, patio and pool. Mr. Novalis said the size of the pipe that runs from the house to the street is questionable. Mr. Egarian said that the pipe is a straight run to the street. Mr. Hegan said there are no bends.

Mr. Novalis asked about the pitch of the pipe and whether it is deep enough and pitched correctly so that it functions. Mr. Egarian said that he will submit the calculations to the Borough Engineer to be sure of the proper pitch for the pipeline.

There was additional discussion on the pitch of the pipe. Mr. Hegan stated that the pipe has been there for 15 years. It is lower than 5-6 inches below the ground.

Mr. Noss said that most designs are a drywell system with a basin. Mr. Egarian said that they could have done that but they felt that this was a better design. Mr. Hegan asked if the calculations are correct and they are sufficient, will the Board accept that.

Mr. Noss said that he could not predict how the board members feel.

Mr. Novalis did not think that the plan would work. He said that the pitch is a problem because of the elevations. He said that pools do not function during a heavy rain. At a certain point, the excess pool water has to be drained. Where is the water going to be pumped to?

Mr. Hegan replied that it would be pumped to the street. He has experience with a pool and that is how it is done. Mr. Novalis wants to see the connection line and the pipe line and said it should be pumped to a drain.

Mr. Egarian said that it is a closed system with a pump and a filter. He can show a piping schematic and the elevation. Mr. Novalis explained that pipe would need to be installed just under the dirt in the rear to obtain the proper pitch to the street. He will verify the pitch and confirm that it will work.

Mr. O'Connor stated that the property is high which is good but we are concerned for the neighbors. He also thought a seepage pit might be needed due to the pitch problem.

Mr. Zeien clarified that the leaders do not empty into storm drains, they terminate at the street.

MR. Hegan said he would consult with Borough Engineer Mike Sgaramella on tapping into the town pipe.

Mr. Hegan asked for the application to be carried so that they can get more detailed information on the storm water management and confirm that it will work... Mr. Novalis said that if a detention system is chosen, he wants a perc test results.

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

Mr. Zeien made a motion to carry the application to April 21, 2021 second by Mr. Novalis.

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

6. **Mariusz Banasiak**
17 Shetland Road
Block 903, Lot 13

Application # BOA 21-03

Applicant is seeking approval for rear and side yard setback violations, plus excess improved lot coverage in connection with an in-ground pool and patio.

Mariusz Banasiak was sworn in. He stated that he and his wife are eight-year residents of Florham Park. He is involved with youth sports, and donates to the local organizations. They now want a pool. They are not comfortable with their children swimming elsewhere.

Dave Egarian, PE, engineer for the project was sworn in. He described the pool project. It is a 20 x 37 foot pool that is to be located in the right rear area of the back yard. The depth will be from three feet to eight feet. The square footage of pool area is 723 sf.

Variances for side yard, rear yard setback and improved lot coverage are needed. The property is 130 feet deep where 150 feet is required. The house is set back 50 feet. These conditions constrict the rear yard and limits where the pool can be placed. They felt the best placement is in the right rear corner.

Mr. Egarian interpreted the requirement of a ten-foot setback to the pool as to being to the water's edge. The zoning official stated that it is to the patio surround. That created variances since patio surround is setback to 7 feet. The patio is considered part of the structure.

Rick Zeien asked if the patio was eliminated, would there be no rear or side yard variance. Mr. Egarian agreed. He questioned the setback definition and disagreed with the patio being considered part of the structure and subject to the 10-foot setback.

John Novalis wondered why the pool could not be moved slightly into a conforming location and eliminating the setback variances. This would reduce the coverage as well since the patio would be reduced.

MR. Banasiak said that the existing deck is elevated at 3 feet.

Mr. Egarian said the improved lot coverage is 37.3%. This will be mitigate with a 500-gallon drywell in the rear that would handle the drainage.

Jeff Noss said that the Board is happy that people want to improve their property and install pools but the excess lot coverage in this application is a large number.

John Novalis reviewed the other components. There is an 8ft x10ft shed, a patio around the pool, a wood deck and paver patio. He said the patios are large and this adds to the coverage. The patio walkway around the pool is creating the setback variances and adding to the lot coverage.

Mr. Egarian stated that the pool itself is 723 sf. The rear wood deck is 394sf (existing). The existing paver patio/fire pit is 233 square feet and the proposed patio surrounding the pool is 773sf.

Mr. O'Connor confirmed that the water would drain to the drywell basin. Mr. Novalis asked if a perc test was already done. Mr. Egarian replied that they had planned to do that at the time of excavation.

Mr. Novalis said that he prefers that we have that information now and what will happen if it does not perc. Mr. Egarian responded that there are alternative methods and designs that can be used.

Mr. Zeien added that they are looking for three variances that do not seem to be needed. He felt that they should re-think the plan.

Mr. Egarian said that the patio walkway on the right side could be cut from ten feet to eight feet wide. That would remove 1.5% of the coverage and eliminate the side and rear yard variance. The lot coverage would be reduced from 37.3% to 35.8%.

Mr. Noss thought that the reduction was small in his opinion but it is up to the applicant as to what he wants the Board to vote on.

Mr. Banasiak said that he wants patio space for chairs on the left side of the pool. They can do a three-foot walkway instead on the left and then eliminate the right side. This would reduce the patio by 50% and result in a 3% reduction.

Mr. Noss would like a revised plan reflecting the changes that they are proposing. Mr. Novalis thought that a perc test should be done before and they want the results.

Mr. Zeien said that if a pump system is needed, it must have the generator power in the case of a power outage.

The meeting was opened to the public.

Kerry Rubin, 19 Shetland Road. She lives to the right of the property and is concerned with the grading in that area and does not want any water to flood her back yard.

Mr Egarian replied that there is a mild slope but all the storm water will go to the drywell. There will be less runoff than there is now.

Mr. Novalis thought that the slope is big and is a concern for him. Mr. Egarian replied that they are able to lower the elevation and lessen the slope to one foot.

They asked to be carried to the May 5th meeting without further notice or publication.

Mr. Noss called for a motion.

Mr. Zeien made a motion to carry the application to May 5, 2021, second by Mr. O'Connor.
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 8:30p.m.

Marlene Rawson
Board Secretary

April 7, 2021