

**Zoning Board of Adjustment  
Regular Meeting Minutes  
February 3, 2021**

The Regular meeting of The Borough of Florham Park Board of Adjustment was called to order on Wednesday evening, February 3, 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. Michael Cannilla, Chairman  
Mr. Jeffrey Noss, Vice Chairman  
Mr. John Novalis  
Mr. Rick Zeien  
Mr. Brian O'Connor  
Mr. Jason Jensen  
Mr. Matthew Engel (1<sup>st</sup> Alt.)  
Mr. Michael Shivietz (2<sup>nd</sup> Alt.)

**Members Absent:**

Mr. Ted Trautman

**Also Present:**

Mr. Matthew Posada, Esq., Board Attorney

**Call to Order:**

Mr. Cannilla, Chairman called the meeting to order at 6:30 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:**

1. Approval of Minutes from January 20, 2021 Meeting.

Minutes were amended to reflect the correct voter record on the Franco resolution.

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.

**2. Approval of 2020 Annual Report**

Mr. Zeien made a motion to approve the 2020 Annual Report, second by Mr. O'Connor.

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

**C-Variance:**

**3. Andy and Lisa Rossi**  
31 Midwood Drive  
Block 904, Lot 18

**Application # BOA 21-01**

Applicant is seeking approval for excess building coverage and excess lot coverage in connection with a porch, foyer, and garage.

Andy Rossi was sworn in. Mr. Rossi stated that he is a 13-year resident of Florham Park. He and his wife have two children and he wants to expand their home to allow for more living and work space. Due to the pandemic, there is a need for more home office space and also remote learning space for the children. They also are preparing to care for aging parents. In addition, there is a need for more garage space for their vehicles and storage.

The addition of a foyer will improve the functionality of the home and the overall arrangement and flow of the first floor. Mr. Rossi stated he has a great neighborhood and intends to make this his forever home.

Bill Brown, architect for the applicant, was sworn in. He said the project includes a new foyer (13 x 13ft) and covered front porch (10x17ft), a third garage bay (11x23ft)

The front setback requirement is 40 feet and they are existing at 45 feet. The left side setback requirement is 10 feet and they are at 18 feet. The right garage bay area is existing at 43.37 and will be 42.99 feet where 25ft is required. The rear setback is existing and non-conforming at 36 feet. There is no intensification of that from this plan.

They are building coverage is existing at 2610 ft. and proposed to be 3200 feet. The front porch will be 170sf. It will enhance the streetscape and fill in the void in the front. He stated that currently there is no access to the home from the garage. The foyer will provide that access. New office space will be above the foyer. Building coverage is 700sf overall.

The improved lot coverage is existing at 5960ft and will increase to 6545ft. This is an increase of 600 feet.

Mr. Brown stated that the improvements and front elevations are in keeping with the character of the neighborhood. The second floor above the garage will have dormers and architectural elements. There will be a new bedroom/office and unfinished attic space over the garage. Rear setback to new garage is 65.34 feet.

The renovation is within all of the existing setbacks. The lot coverage is existing at 36.09% and proposed to be 39.64%. The permitted lot coverage is 30%. The building coverage is existing at 15.81% and is proposed to be 19.78% where 15% is permitted.

Mr. Brown stated that the existing driveway takes up a lot of the lot coverage.

Mr. Rossi stated that all conditions were there when he purchased the home. He has not done anything that would intensify the coverage. The patio and driveway account for much of the lot coverage.

Mr. Brown again stated that it is an appropriate project for the street and neighborhood and will improve the appearance of the home.

Board Secretary Marlene Rawson added that no previous variance applications are in the files.

Mike Cannilla said that he does not understand how the lot coverage became so excessive. He noted that patios in particular sometimes are installed without permits. Mr. Brown stated that the patio is 838sf and the driveway is 2134sf. Mr. Cannilla asked about the shed and how it affects the building coverage.

Mr. Brown said that if the 228sf shed were to be removed the existing building coverage would comply at 14.4%. The existing lot coverage would conform if the patio was removed.

Mr. Cannilla suspected that the shed and the patio were added after the fact and without permits. Those additions made the existing conditions non-conforming.

Jeff Noss said that the shed needs to be 10 feet from the property line so it is also technically a variance since it is very close to the property line. He asked about screening of the shed. Mr. Rossi said that there are evergreens behind the shed between his property and his rear neighbor. There is also a tree line and fence on the adjacent property line. This has never been an issue.

The building coverage is existing at 15.8% and proposed to be 19.7%. This is an increase of 530 square feet. The porch is 30% of that number. Mike Cannilla again stated that these are significant increases. He was not sure that the patio and the shed were installed with permits.

Bill Brown said that an exterior overhaul is planned. The interior flow will improve with the addition of a foyer. Mike Cannilla asked about the need for a third garage bay and a shed. Andy Rossi said he needs the shed for toys and storage. The garages will have cars in them.

Mr. Posada reminded the applicant that the shed is in a non-conforming location and a variance must be justified if it is to remain in that area.

Jeff Noss also wondered about the need for a three car garage plus the large shed. He asked how wide the driveway is because it looks very big. Bill Brown said it is 500-600 square feet larger than what is necessary. If it was reduced by 500 square feet, the lot coverage would be essentially unchanged from what it is now.

Jeff Noss added that the shed affects lot coverage and building coverage.

Mike Cannilla asked about the storm water management calculations. Bill Brown replied that he thinks that a 1000-gallon seepage pit will be adequate to handle the storm water.

Jason Jensen also brought up a driveway reduction. Bill Brown responded that he must come up with new measurements. He added that keeping the lot coverage to what is existing which is 36% is probably doable but they cannot get it to a conforming condition.

Mike Cannilla recommended that they relook at the project to see if it is possible to reduce some elements. He reiterated that ultimately the application and request is the applicant's and the decision on how to proceed is theirs.

John Novalis agreed that the shed is oversized and non-conforming. It will need a variance or be moved to a conforming location. It is an extra item, especially with a 3<sup>rd</sup> garage. The side entry driveway is also extra-large and he thinks it is an area that can be reduced. He added that the patio is also large and asked about the material used for the patio. Andy Rossi replied that it is a stamped concrete patio. John Novalis thought that the patio would get much more use than the extra driveway space.

Andy Rossi asked if the shed was removed or the driveway was reduced would the project get approved. Mike Cannilla replied that he considers some of the requests to be luxuries. He said that Mr. Rossi should propose to the Board what he thinks is reasonable.

Brian O'Connor commented that there are options. The shed, patio and driveway are areas that can be looked at for reductions. He said that Mr. Rossi should prioritize those areas and go from there.

Rick Zeien asked about the current run-off and where it goes. Andy Rossi replied that he does not know but they have never had a water issue. Mr. Brown stated that information can be provided at the next

meeting. Rick Zeien said that Mr. Rossi has heard a lot of concerns tonight but he wants him to know that he thinks the design of the project is beautiful.

The meeting was opened to the public.

Tracy Vrablik, law student. She stated that she is listening in as part of her studies in law school. She thinks that the project is very nice and hopes that an agreement can be reached.

Jeff Noss said that it looks like there is 126 square feet of new overhangs. He recommended that Bill Brown double check the numbers to be sure that they are not double counted in the driveway area as part of building and also lot overage. He also will check the new overhangs to be sure that they are not double counted in the new areas. It could be a significant number and impact the coverage.

There were no other questions. The applicant requested to be carried to the March 3, 2021 meeting without further notice or publication.

Mr. Noss made a motion to carry the application to the March 3, 2021 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.

On a motion duly made and seconded the meeting was adjourned at 8:00pm.

Marlene Rawson  
Board Secretary

February 3, 2021