

**Zoning Board of Adjustment
Regular Meeting Minutes
January 6, 2021**

The Regular meeting of The Borough of Florham Park Board of Adjustment was called to order on Wednesday evening, January 6, 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. Jason Jensen
Mr. Matthew Engel (1st Alt.)
Mr. Michael Shivietz (2nd Alt.)

Members Absent:

Mr. Brian O'Connor

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."

Jeffrey Noss explained that due to meeting schedules, Chairman Michael Cannilla and Board member Ted Trautman are not present tonight. Their terms expired on December 31, 2020 and they are to be re-appointed at the Borough Council Re-Organization meeting on January 7, 2021.

Re-Organization:

Re-Organization Resolutions of Approval:

6. **Scheduled Meetings for 2020 and the month of January 2021**

Mr. Jensen read into the record the annual schedule meeting dates for the Board of Adjustment.

7. **Retention of a Board Attorney**

Mr. Shvietz read into the record the resolution appointing Matthew Posada, Esq. as Board Attorney.

8. **Retention of a Planning Consultant**

Mr. Zeien read into the record the resolution appointing Harbor Consultants as Board Planner

9. **Retention of a Board Engineer**

Mr. Novalis read into the record the resolution appointing Michael Sgaramella, PE, as Board Engineer.

10. **Retention of a Board Secretary**

Mr. Engel read into the record the resolution appointing Marlene Rawson as Board Secretary.

Mr. Noss called for a motion to approve the Re-Organization resolutions.

Mr. Zeien made a motion to approve the presented resolutions via a single motion of the Board. The motion was seconded by Mr. Jensen.

Roll: Zeien, yes; Jensen, yes; Noss, yes; Novalis, yes; Engel, yes; Shiviets, yes.

Approval of Minutes:

9. Approval of Minutes from December 2 2020 Meeting.

Mr. Shiviets made a motion to approve the minutes, second by Mr. Jensen.

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

Resolution of Approval:

10. **Lauren Iannaccio**

Application # BOA 20-8

6 Village Road
Block 2803, Lot 3

Applicant is seeking approval for excess improved lot coverage for an in-ground pool and patio.

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

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

C-Variance:

11. **Francis Franco**

Application # 20-9

7 Manker Drive
Block 2703, Lot 45

Applicant is seeking approval for excess lot coverage in connection with a proposed in-ground pool and paver patio.

Frank Franco, owner was sworn in. Jerry Goulday, pool contractor, and Mark Mantyla, engineer were also sworn in.

Frank Franco stated that because of the continuing Covid-19 pandemic, he wants to create a safe place for his family and friends to gather.

John Novalis asked Mr. Franco about what he knew regarding the easement for the pipeline that exists in his back yard. Frank Franco replied that he knew that there was a pipeline back there when he bought the home. But he was not aware of the size of the easement for the pipeline. It was stated that most of his back yard is within the easement.

Frank Franco said that he was also unaware that the improved coverage on the property was already over what is permitted. He reduced the proposed project considerably in order to try to minimize any additional lot coverage. He also re-configured the pool to stay out of the easement.

Jeff Noss asked if he knew how the coverage became beyond what is permitted. It is 2.8% over what is permitted in building coverage and 8.5% over what is permitted in lot coverage. Frank Franco testified that he does not know. The home is the same as when he bought it. He knows that the garage had been converted to bedroom living space. The home was built in 1975.

Jeff Noss stated that he looked at the home and it appears like it was built that way. Mark Mantyla agreed that in his opinion the house has not been added onto from the original structure. It could be that overhangs were not included in the building coverage at the time of construction. It was noted that the shed is included in the lot coverage calculation.

The lot coverage amounts were reviewed. The pool is 392 square feet. The pool coping is 106 square feet, and the equipment pad is 32 square feet. This totals 530 square feet.

They will remove the shed (96sf), and a portion of the driveway (264sf) for a total of 360 square feet of coverage to be removed. The net increase is 1.13% or 170 square feet. The existing lot coverage is 38.59% and they are proposing 39.72%.

It was noted that the application reflects a larger number but it was subsequently reduced prior to the hearing. The new coverage numbers are accurately depicted on the plan.

John Novalis confirmed that pavers can be in the easement area. Frank Franco stated that he has a letter from Texas Eastern who owns the pipeline and controls the easement. It stated that a disturbance of 6 feet is permitted for pavers only. No pool, drainage structure or any type of underground structure is allowed to be built within the easement.

Frank Franco continued that the pool was reduced in size and reconfigured several times in order to stay out the easement area.

Mark Mantyla stated that an 11-foot portion of the driveway area is being removed to reduce the overall coverage. Frank Franco said the actual location of the pipeline is 10 feet off of the sound barrier wall. He added that the landscape wall is also included in the coverage numbers.

John Novalis said that he can see how much Mr. Franco wanted the pool because of the challenge of building it outside of the easement. He agrees that it is the new way of life to have personal outdoor entertainment space. He asked if he knew if it was such a large easement. Mr. Franco replied that he knew about the pipe, but he has no idea that the easement comprised most of his back yard.

John Novalis continued that pools collect water under normal circumstances but excess water in the pool from heavy rainfall needs to be pumped out. What is the plan for that?

Mark Mantyla replied that they do not have a patio deck surround near the pool so there is no increased rate of runoff during a rain storm. There is an electric pump that will pump the water to the driveway via a hose that is pitched toward the street and nearby storm drain. It is a slow rate of release to the driveway.

Jeff Noss asked if the driveway was curbed. Mark Mantyla replied that there is Belgian block curbing along each side of the driveway so there will be no runoff on to the grass.

Frank Franco testified that his yard is already entirely fenced in the rear. The only new fencing will be at the curb line where they adjusted the driveway length.

Jeff Noss stated that he felt that the applicant made a real effort not to create more coverage. Although the current coverage is still significant, the size of the pool is small. He is sensitive to the fact that the applicant wants a safe and secure environment for outdoor enjoyment for his family and friends. He has no objection to this request.

The Board members agreed and there were no other comments. Mr. Noss called 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 7:30p.m.

Marlene Rawson
Board Secretary

January 6, 2021