

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

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

Members Absent:

Mr. Rick Zeien

Also Present:

Mr. James Polles, 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 June 16, 2021 Meeting.

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

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

Jeff Noss made a comment to correct both resolutions to change the work "impervious" to "improved".

Resolution of Denial:

2. **Salvatore & Cynthia Hoo**
6 Midwood Drive
Block 905, Lot 24

Application #BOA21-08

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

Mr. Noss made a motion to approve the resolution, second by Mr. Shiviets
Roll Call: On a roll call vote all members present and eligible voted to approve the resolution.

3. **Alexander Hartwell** **Application # BOA21-07**
242 Brooklake Road
Block 2001, Lot 1

Applicant is seeking approval to construct an accessory structure in excess of 600 square feet.
Mr. Noss made a motion to approve the resolution, second by Mr. O'Connor
Roll Call: On a roll call vote all members present and eligible voted to approve the resolution.

C-Variance

4. **Maria Shrager** **Application #BOA 21-09**
2 Heritage Road
Block 2101, Lot 43

Applicant is seeking approval for excess lot coverage in connection with an in-ground pool, hot tub and patio.

Maria Shrager was sworn in. She stated that she and her husband work in the healthcare field. Because of the pandemic, they want to provide a safe outdoor space environment for their family.

Mike Cannilla explained the reasons for the zoning requirements that the town has established. One requirement is to control excessive lot coverage in order to manage storm water and runoff. He noted that variances run with the property and the Board needs to be sensitive and not create a burden to the community.

He agrees that pools retain water but there is limited ability to do so. He noticed the large patio that the applicant wants to expand. He also noted that the property is slightly above the requirements to begin with.

Maria Shrager replied that the existing patio work was done with permits. They became aware that the house was over the permitted building coverage when they purchased it. They have not added to that or changed anything other than the patio.

She continued that they want a pool and patio surround that compliments the house. It is a large home on a large lot. She wants a pool and patio that is proportionate to the home, and thinks a small sized plan would look odd. She desires space around the pool for patio furniture and chairs and would like to tie into the existing patio. She is open to scaling the patio surround back somewhat, but they are working with an already existing patio.

Jeff Noss noted that the footprint of the house is at 13%, which is over what is permitted in the R-44 zone. This affects the coverage. Ms. Shrager replied that the home was built that way in 1996. They bought it in 2018. They already checked with the town about the overage when doing interior renovations and the consensus was that is how it was constructed.

Jeff Noss acknowledged that the R-44 zone has substantially less lot coverage limitations than other zones that is affecting this project.

John Novalis said that he understands and is okay with having a pool. The issue that he struggles with is the large patio and walkway plan when the property is already over on coverage.

Mike Cannilla explained what a Board denial would mean. He commented that the site has a lot of improved coverage on it already. There is a substantial paver walkway to the front door. There is a large

asphalt parking area near the garage. There is also a patio on the west side of the home and wondered what it is used for. He said there might be compromises to consider.

Jeff Egarian, PE, engineer for the project was sworn in. The pool patio on the right is 16ft wide.

He said that the patio around the pool is 1143 square feet. The pool, spa, and coping are 836 square feet. He said that the house was built at 13.1% and existing, non-conforming. The home is also set back 71 feet from the street and requires 20 more feet of driveway because of the large setback. These affect coverage numbers.

He said that there would be minimal grading and site disturbance. The storm water management system accounts for the added coverage. The 1290 seepage tank capacity has a 4000-gallon volume, which is more than adequate. There will be no detriment to the adjacent properties as far as increased storm water. He said that the driveway width at the cul-de-sac is 12 feet. He confirmed that a perc test would be performed. The Borough Engineering department approved their design.

A question on the stream easement to the north came up but Jeff Egarian did not know if it is an open stream. He said that the 50-foot riparian buffer would be maintained. The seepage tank is 1290 gallons, which is larger than the usual size of 500-1000 gallon. Again, the Borough Engineering department reviewed and approved the plan.

He said the land slopes slightly away and moving the pool forward would not adversely affect the grading.

Jeff Egarian said that in order to empty the pool down a little, they would pump it to the front yard where it will dissipate in the lawn and not impact the adjacent properties.

Mike Cannilla asked about the storm water management for the existing home. Jeff Egarian said that he does not know where it is discharged but he knows the leaders are underground.

Maria Shrager responded to a question on the small existing patio. She said that it has a structure on it that is attached to the house and it is not feasible to remove it. She continued that there are no drainage issues on the property. She added that they added the turnaround area because the narrow driveway is difficult to navigate. She is not familiar with any existing storm water systems that may be on the property.

John Novalis wanted information on the waterfall feature. Jeff Egarian explained that it is made of stacked boulders. It was not included in the coverage numbers.

Tom Fitzsimmons, landscape and project designer, was sworn in. He said that the waterfall has a landscape basin foundation. It is operated with a pump and pipe. He will get the square footage number of the foundation for the next meeting. He explained the storm water operation and skimmer. The pool will hold 6 inches of storm water. If it must be lowered, it will go through the backwash system that will lead to the front of the house. Evaporation will also lower the pool naturally. It has a maximum depth of 8 feet and is a combination of chlorine and salt water. It is safe for lawns.

Mike Cannilla said that there must be justifiable reasons like a hardship or the project must be beneficial to the community in a way that exceeds any detriment that would result from the project. He asked if they want to think about the project more now that they have heard feedback from the Board.

Maria Shrager responded that they cannot reduce the driveway or walkway. The side patio has a structure on it and must remain. She felt that there could be an opportunity for some reduction in the proposed patio surrounding the pool. She asked to be carried to the next meeting so she can meet with her design team to talk about options.

Mr. Cannilla asked for a motion.

Mr. Noss made a motion to carry the application to August 4, 2021 without further notice or publication, second by Mr. O'Connor

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

5. **Adam Rempfer** **Application #BOA 21-10**
118 Lincoln Avenue
Block 2505, Lot 6

Applicant is seeking approval for front yard setback in connection with a generator in a front yard, and fence over 4' high in a front yard.

Adam Rempfer and Christina Guerriero were sworn in. The request involves a newly installed generator that is on the side front of the corner lot. He also wants to install a wrought iron fence that will tie in and match the neighbor's fence. The fence is four ½ feet tall where only a 4 foot fence is permitted on the side front portion of the property.

The generator is installed three feet from the home. He did not realize that he needed a permit to move the generator from one side of the house to the other. He subsequently applied for the permit but was denied since it is in the front yard. There is a small garden in the side front that will be removed once this is settled. There also is an air conditioning unit on the same side. The generator is surrounded by newly planted bushes. It is about 15 feet from the front of the house.

A-1: bushes surrounding generator, not permitted

John Novalis asked why he relocated the generator from the right side of the house. Adam Rempfer replied that it needed to be close to the electric panel and the gas meter. There is also a new neighbor on the right. He did not want the generator noise to disturb them when in use.

Jeff Noss asked where the fence will meet the neighbor's fence. Adam Rempfer replied that they will share the fence separating the two properties. It will continue around the rear of his property and then along the Briarwood Road side. He wants the fence to be the same height all the way around the house.

John Novalis said that he would not see a 6-inch difference in the height of the fence. The wrought iron fence is mostly open and will appear the same size.

Mike Cannilla asked if he could make the fence compliant on the street side. He agreed that a 6 inch height difference would not be noticeable.

Adam Rempfer agreed and said that he will have the fence comply with the height on the street side. He removed that from his variance request.

Mike Cannilla commented that it is more beneficial for the generator to be on the street side out of consideration of the neighbor. Briarwood Road is a somewhat well traveled road and it will not disturb anyone on that side. He asked if the shrubs around the generator could be maintained.

Adam Rempfer agreed that they would be maintained.

There were no other 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 8:30p.m.