

**Zoning Board of Adjustment  
Regular Meeting Minutes  
March 17, 2021**

The Regular meeting of The Borough of Florham Park Board of Adjustment was called to order on Wednesday evening, March 17, 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. Matthew Engel (1<sup>st</sup> Alt.)  
Mr. Michael Shiviets (2<sup>nd</sup> Alt.)

**Members Absent:**

Mr. Jason Jenson  
Mr. Ted Trautman

**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 March 3, 2021 Meeting.

Mr. Zeien 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.

**Resolution of Approval:**

2. **Andy and Lisa Rossi** **Application # BOA 21-01**  
31 Midwood Drive  
Block 904, Lot 18

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

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

### **C-Variance**

3. **Victor Leonardis** **Application # BOA 21-02**  
6 Felch Road  
Block 2407, Lot 5

Applicant is seeking approval for excess building and lot coverage in connection with an in-ground pool, patio and shed (pre-existing).

Carried from the February 17, 2021 meeting without further notice or publication.

Victor Leonardis remained sworn in. He stated that they considered the comments made by the Board at the last meeting and revisited the application and plan. They made adjustments that they hope the Board will find acceptable.

Bob Hessels said that they made reductions in some of the hardscape in order to reduce the lot coverage. They removed the patio space, walkway, and the fire pit and also much of the pool surround. They left a small area for chairs. The existing shed will remain but they will move it to a compliant location. The deck also will remain. The changes amount to 607sf of improved coverage that will be removed.

The resulting coverage is the following:

Existing building coverage is 15.73% and will not change.

Existing lot coverage is 27.75% and will increase to 35.97%.

John Novalis confirmed the shed size to be 12 X 16 (192sf).

Mr. Noss confirmed that the pool and spa is almost 884 square feet of water surface and accounts for 50% of the excess lot coverage request. The pool coping would increase that to 1135sf. The remaining 400sf is the patio and the deck. He also stated that the neighbor was concerned with the fire pit. Victor Leonardis said that they removed the fire pit.

Mr. Noss asked about why the left side was not more fully utilized. Mr. Hessels said that they wanted to maintain some open lawn area. He added that the pergola is open.

A-l: planting plan

Mr. Hessels explained that they will use Green Giant arborvitae for privacy screening. They will use 8-10 foot specimens. They will also fill in with ornamental shrubs all along the property line.

Brian Hoarle remained sworn in. He said the drainage system is designed for a three-year storm. It is designed to also allow for 2-3 inches of pool water to be drained. The surface drains are in the grass. He reminded the Board that there are no flooding issues in this area of town.

Mr. Novalis asked about the manual pump and hose to drain the overflow from the pool. He thought an underground hose and connection to a drain would be a better idea rather than all the fuss with connecting a hose each time it needs to be drained after a storm. Victor Leonardis agreed and said that they would do that.

Mr. Cannilla commented that pools do hold water so there is some benefit in that they are not as pervious as a solid surface. Pools are also becoming the norm because of the pandemic

Mr. Noss commented that he appreciates the changes that were made. Mr. O'Connor agreed that it is a great job with the changes. Mr. Shiviets was also impressed with the landscape plan. The other Board members were also happy with the revisions.

There were no other comments from the Board member or the public.

Mr. Cannilla called for a motion.

Mr. Zeien made a motion to approve the application, second by Mr. O'Connor.

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

4. **Andrew & Laura Botwin**

**Application # BOA 21-04**

58 Felch Road  
Block 2002, Lot 12

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

Steven Azzolini, Esq. represented the applicant. Andrew and Laura Botwin were sworn in.

Mr. Cannilla verified with Mr. Polles and also Mr. Azzolini that although he is a member of the Florham Park First Aid Squad, he has no financial interest in it and does not feel that he has a conflict with this application. Both Mr. Polles and Mr. Azzolini stated that they have no objection to him participating in the hearing.

Mr. Azzolini stated that their home is located next to the Florham Park First Aid Squad and across from a property undergoing commercial development. He added that there is on-going construction across the street, and there is no neighbor to the rear of their property due to an oversized lot.

Laura Botwin said that they are 19 year residents. They have two children and are big supporters of Florham Park. They are involved in the Jaycees, Fire Department, and coaching.

Steve Azzolini reviewed the previous variances granted to this property. In 2008, they had a renovation project that involved a variance for lot coverage and building coverage. At the time lot coverage was 36% prior to the renovation. They requested 19.8% of building coverage. The lot coverage granted was for 30.4%. However, the then project only amounted to 28.5% when completed.

They were asked to reduce their eastward plan by 15% to accommodate any future variance that the first aid squad may ask for. They complied.

Since then, the Florham Park First Aid Squad was granted a variance for 54.5% of lot coverage of which the Botwin's were in full support of their project at the time of the hearing.

Laura Botwin stated that both her husband and son need aquatic therapy which is a big reason for the request.

The lot coverage was reduced by eliminating the deck, concrete slabs, and sheds that existed during the 2008 variance.

Mr. Novalis asked if the patio that was installed in 2008 will remain. It was stated that it will remain and the proposal is to add a patio that will surround the pool. The equipment pad is located near the air conditioning unit. The heat is electric, via solar panels.

A-1: photo of rear yard looking to the right (Brooklake Road side)

A-2: photo of iron fence and the home on right, plus neighbor's shed

A-3: photo of rear yard looking to the left (First Aid Squad side). Sheds belong to FAS.

Paul Gdanski, PE was sworn in.

Mr. Gdanski stated that the rear yard is very flat. The pool is 20ft x 40ft. There is a drainage system to be next to it that is all underground. They will use the existing fence and bring it up to pool code.

The lot coverage is proposed to increase from 28.5% to 38.3%. They will install trench drains around the pool to capture any runoff and flow directly to the drainage system.

It was stated that there are no issues with drainage in connection with the lot coverage at the Florham Park First Aid Squad property. Mr. Gdanski stated that there will be no concerns with the Botwin property either.

John Novalis asked about the pool overflow during a heavy rainstorm. He asked if they can hard connect the pipe into the trench drains that lead to the drainage system. There was discussion on drainage options and they ultimately agreed to run the pipe to the cultec chamber system.

Mr. Noss asked about the breakdown of the extra lot coverage. Mr. Gdanski said that there is 1567sf of additional lot coverage proposed. The pool is 800sf and the patio and pad is 767sf. The existing coverage is 28.8% and is proposed to be 39.3%. The pool and coping account for 6.1% of the request which if subtracted from the request would be 33.2%.

It was noted that the existing coverage number should be added to the plan.

Mr. Cannilla asked about the patio on the south end. Mr. Gdanski replied that it was for lounge chairs. It is a 9-foot wide patio. It was suggested to integrate it to the exiting patio and replace that area of a 3ft walkway. This would reduce the coverage slightly. They agreed to that change.

Mr. Novalis asked what would happen if the ground did not perk. Steve Azzolini replied that a condition of approval could be subject to successful perking. He added that the Borough Engineer would have to approval this. The condition will state that it is subject to the Borough Engineer's approval.

The meeting was opened to the public.

Deb Tappen, President, Florham Park First Aid Squad. She said that the Botwin's have been very supportive neighbors. She has no concerns with this project and supports their request.

Rick Lockhart, 280 Brooklake Road. He met the Botwin's through the local organizations that they both belong to and have been friends and neighbors for quite some time. He also has no concerns and fully supports their request for this project.

There were no other comments.

Rick Zeien asked for a summary of what was agreed to.

The 9-foot wide patio on the south side of the pool will be integrated with the existing patio, and a continuation of the 3-foot walkway will replace the original patio location. This will add 122sf to the existing patio and result in a 46sf reduction in overall coverage.

The soil percolation or an alternate drainage system will be subject to the approval of the Borough Engineer.

The pool pump will be made a hard connection to the drainage system.

Mr. Azzolini summarized that his clients are active members of the community and good neighbors, and very accommodating to the needs of the First Aid Squad. This is a unique property and the project will give the homeowners a chance to fully enjoy their property.

Mr. Cannilla asked for a motion.

Mr. Zeien made a motion to approve the application, second by Mr. Noss.

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 8:00p.m.

Marlene Rawson  
Board Secretary

March 17, 2021