

**Zoning Board of Adjustment  
Regular Meeting Minutes  
May 19, 2021**

The Regular meeting of The Borough of Florham Park Board of Adjustment was called to order on Wednesday evening, May 19, 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 (1<sup>st</sup> Alt.)  
Mr. Michael Shivietz (2<sup>nd</sup> Alt.) (6:36pm)

**Members Absent:**

Mr. Rick Zeien  
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. 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 May 5, 2021 Meeting.

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

**Application # BOA 21-03**

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

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

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

### C-Variance

7. **Salvatore & Cynthia Hoo**

**Application #BOA21-08**

6 Midwood Drive

Block 905, Lot 24

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

Steven Azzolini, Esq. represented the applicant. He explained that his clients want to install a pool and patio. The project will increase the improved lot coverage to 38.5%. There will be an increase in building coverage of .8% because his clients want a large roofed overhang over the patio.

Steve Azzolini described the surrounding area. The property backs up to the Afton Village Townhome project and professional office buildings. It is otherwise surrounded by single family residential homes on the left and right.

It was noted that no detail page was submitted on the covered patio plan.

Salvatore Hoo was sworn in. He stated that he moved here in 2019. They have two children and wanted a home in the suburbs with a yard to enjoy. They are in a great neighborhood and they have lots of friends. Their family visits on the weekends and they now want to finish the back yard into usable living space.

They want a pool and patio surround, plus a covered open air patio off of the back door. They plan to landscape the back yard with arborvitae and fix existing drainage issues.

Mike Cannilla confirmed that the covered patio is a permanent roof structure that is connected to the house. John Novalis was concerned that the covered patio could easily be converted into inside living space. He wanted to see the construction of it and there are no plans included in the submission.

Steve Azzolini responded that they would agree as a condition to keep the covered patio as open air only.

Mike Cannilla commented that this is a substantial variance request. In addition, the patio to be covered is 566 square feet. He said that it is so large that when covering that patio with roof, the existing rooms behind it will lose all daylight and will be dark all the time. Maybe a trellis or fabric roll-out should be considered instead. He added that a 12-foot patio pool deck around the pool is a lot of hardscape. There is also at least 1000 square feet of pavers in other areas.

Mike Cannilla stated that this is a very wet town and just because you will provide a storm water detention basin, that does not mean you can construct anything that you want. He also asked if the large walkway (400sf) from the driveway to the rear of the property is really necessary.

Mr. Hoo replied that he would like guests that come over to use that to get to the back yard. He asked about stepping stones instead.

Mr. Cannilla said that the Board will provide feedback to the applicant, but there is no standard and cannot say what we would accept. Variances run with the property and the Board must consider that.

Jeff Noss commented that it is nice project but there is much more hardscape than necessary to make it enjoyable for the applicant.

When asked about the existing temporary fence on the plan, Mr. Hoo stated that he will comply with the code on pool fencing. He added that the equipment will be near the air conditioning units.

The meeting was opened to the public for questions.

Suzanne Bowles, neighbor to Mr. Hoo stated that she wanted to provide comment. Mr. Cannilla said that this is questions only, and comments will be reserved after the completion of testimony.

Thomas Skrable, PE, was sworn in. Mr. Novalis asked for details on the sitting wall around the patio. Mr. Skrable stated that it is two feet wide and is a masonry wall with stone veneer. It is included in the improved lot coverage.

Break: 7:15pm-7:21pm

Steve Azzolini stated that his client wants to revise the plan and come back to a future meeting.

Mr. O'Connor said that more detail on dimensions of the pool and patios and drainage is needed.

Mr. Cannilla asked for a motion.

Mr. O'Connor made a motion to carry the application to the June 16, 2021 meeting without further notice or publication, second by Mr. Jensen.

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 7:30p.m.

Marlene Rawson  
Board Secretary

May 19, 2021