

**Zoning Board of Adjustment
Regular Meeting Minutes
May 5, 2021**

The Regular meeting of The Borough of Florham Park Board of Adjustment was called to order on Wednesday evening, May 5, 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. Brian O'Connor
Mr. Jason Jensen
Mr. Michael Shivietz (2nd Alt.)

Members Absent:

Mr. Michael Cannilla, Chairman
Mr. Ted Trautman
Mr. Matthew Engel (1st Alt.)

Also Present:

Mr. James, Polles, 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."

Approval of Minutes:

1. Approval of Minutes from April 21, 2021 Meeting.

Mr. Zeien 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.

Resolution of Approval:

2. **Jeff Hegan** **Application # BOA 21-05**
14 Village Road
Block 2803, Lot 7

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

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

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

3. **Dino Robusto** **Application # BOA 21-06**
1 Country Club Lane
Block 3601, Lot 30

Applicant is seeking approval for the installation of a six-foot high fence and gate in the front yard.

Mr. Zeien made a motion to approve the resolution, second by Mr. Shivietz

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

C-Variance

4. **Mariusz Banasiak** **Application # BOA 21-03**
17 Shetland Road
Block 903, Lot 13

Applicant is seeking approval for rear and side yard setback violations, plus excess improved lot coverage in connection with an in-ground pool and patio.

Carried from the April 7, 2021 meeting without further notice or publication

Mariusz Banasiak and Dave Egarian, PE remained sworn in. Mr. Egarian stated that they considered the concerns of the Board at the first hearing and revisited the project plan to see if adjustments could be made. They ultimately revised the plan and made a number of changes. They also tested for soil permeability and the results have been provided.

The plan changes include a reduction in the proposed patio size. It was originally to be 723 square feet and it has been reduced to 360 square feet. This is half the size of the original proposal. This change reduced the improved lot coverage request from 37.3% to 34.6%.

In addition to reducing the patio, they also shifted the pool to a conforming location and eliminated the initially requested rear and side yard setback variances. They addressed the neighbor's concern on the steep slope and provided a small rock wall behind the pool in that area that will eliminate any grading concern.

A test pit was performed in connection with the drywell. The soil is predominantly sandy and has the highest permeability rate there is at more than 20" per hour. The drywell will perform easily. They will tie the drywell to the rear roof leaders and to take the runoff from 790sf of roof area in addition to the patio.

The pool will be drained when needed by a sump pump with an attached hose that will pump it out to the street. This is an infrequent occurrence; only after an unusually strong storm that would raise the water level or during the winterizing process.

John Novalis said that the manual pumping will work fine but it may be easier to pipe it to the drywell system via a nearby outlet. Nevertheless, it is the applicant's decision on how excess water will be removed.

Jeff Noss appreciated the fact that there have been significant changes to the plan. It produced positive results and a better plan. The project is still over on lot coverage but that is why they are at the Board of Adjustment. He confirmed that the pool is the same size as originally requested.

Rick Zeien agreed that the applicant did a great job in addressing all concerns.

The meeting was opened to the public.

There were no other comments or questions. Mr. Noss 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.

On a motion duly made and seconded the meeting was adjourned at 7:15p.m.

Marlene Rawson
Board Secretary

May 5, 2021