

**Zoning Board of Adjustment
Regular Meeting Minutes
April 6, 2022**

The Regular meeting of The Borough of Florham Park Board of Adjustment was called to order on Wednesday evening, April 6, 2022 at 6:30p.m. The meeting was conducted by virtual means utilizing the Zoom service in accordance with the guidelines set for by the State of New Jersey which 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. Michael Shivietz

Members Absent:

Mr. Rick Zeien
Mr. Brian O'Connor
Mr. Jason Jensen
Mr. Matthew Engel (1st Alt.)

Also Present:

Mr. Robert McBriar, 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 asked the Board Secretary if the statutory requirements of the Open Public Meetings Act had been met. Board Secretary Marlene Rawson responded that we are in compliance with the requirements.

Approval of Minutes:

1. Approval of Minutes from the March 16, 2021 Meeting.

Mr. Noss made a motion to approve the minutes, second by Mr. Shivietz.

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

C-Variance:

2. **Landy Garcia** **Application # BOA22-05**
4 Elm Street
Block 1701, Lot 6 (R-15 Zone)

Applicant is seeking approval for 14.2% building coverage where 14% is allowed.

Landy Garcia was sworn in. He stated that during construction, the contractor made adjustments and changes that caused the building coverage to go from 14% to 14.2%. He said that he was not aware that the revisions would lead to a violation.

Mr. Cannilla asked if he knew what change caused the overage.

He continued that an overhang extension over the front porch caused the excess coverage. There are more steps added in the rear of the home that but they are not covered so it did not affect building coverage. Mr. Garcia also said that the plans that were submitted to the town were revised to show that a section of driveway was removed. Jeff Noss noted that they are under 30% on the lot coverage so that is not an issue.

There is a discrepancy on the lot size between the survey and the plans. The survey has a slightly smaller lot size than the plans.

John Novalis asked if the original plan had a covered front porch. Mr. Garcia responded that the plans for the front porch overhangs changed during the process. The town inspected but no one told him that there was a coverage issue. John Novalis added that it is the homeowner's responsibility to inform the town of the changes. It does not sound like that happened.

Landy Garcia admitted that he is being reactive to this. He only became aware of a coverage issue when the C/O was not issued. His contractor interacted with the town. He said to his knowledge, the town approved the overhang change over the front porch. The change was that the roofline and overhangs now go straight across the front stair area instead of indenting in.

Mike Cannilla said that it could be just the overhangs since the rest of the plan looks substantially the same. The revised survey is dated January 3, 2022 that includes an easement. He thought that the number is more like 14.8% as per the as-built survey.

John Novalis asked again about what exactly the changes are. Landy Garcia reiterated that they added a landing to the back steps and the front porch overhang was extended. Mr. Novalis stated that the back steps did not affect the building coverage since they are not covered. Mike Cannilla thought that it looked like more than a porch overhang change. Sometimes architects do not calculate the roof area including overhangs.

Robert McBriar stated that for the record, the requirement for this size lot is 14.5%, not 14%. This is as per the zoning schedule. The overage is .3%, which is equivalent to 58 square feet. Mr. Cannilla said that clarifies the request.

Jeff Noss said that the applicant has been forthright and the request is *di minimus*. Mr. Shivietz agreed.

Landy Garcia concluded that he did not purposefully create this but he should have been more involved in the process. He does not like to be reactive like this.

Mike Cannilla also agreed that the overage is nominal. He opened the meeting to the public.

Seeing no questions or comments, he closed the meeting to the public and called for a motion.

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

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.