

**Zoning Board of Adjustment  
Regular Meeting Minutes  
April 5, 2023**

The Regular meeting of The Borough of Florham Park Board of Adjustment was called to order on Wednesday evening, April 5, 2023 at 6:30pm., in the Municipal Building, 111 Ridgedale Avenue, Florham Park, New Jersey.

**Members Present:**

Mr. Michael Cannilla, Chairman  
Mr. Jeffrey Noss, Vice Chairman  
Mr. John Novalis  
Mr. Brian O'Connor  
Mr. Michael Shiviets  
Mr. Ed Facas

**Members Absent:**

Mr. Rick Zeien  
Mr. Jason Jensen

**Also Present:**

Mr. Michael Mullen, Esq., Board Attorney  
Mr. Michael Sgaramella, PE, Board Engineer

**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 15, 2023 Meeting.

Mr. Novalis made a motion to approve the minutes, second by Mr. Shiviets

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

**Resolution of Approval:**

2. **Frank Brown and Nicole Padula**                      **Application #BOA22-10**  
27 Roosevelt Blvd.  
Block 2906, Lot 23 (R-15 Zone)

Applicant is seeking approval for excess building coverage, plus setback relief in connection with exterior modifications and site improvements to their home.

**Application:**

Mr. Facas 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.

Resolution:

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

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

C Variance:

7. Michael Frungillo  
5 Hillside Avenue  
Block 2804, Lot 28

Application # BOA23-1

Applicant is seeking approval for excess lot coverage and maximum front yard coverage for a driveway expansion.

Michael Rubin, Esq. represented the applicant. He gave an overview of the chain of events prior to this application. His client began a driveway expansion project without permits. He was issued a stop work order. It was discovered that permits for old projects on the property were never closed. This was for work done by the previous owner and Mr. Frungillo was unaware of the situation. Mr. Frungillo arranged for the required inspections and most permits are now closed.

The request is for a lot coverage variance of 36.19%. A storm water management system was never installed and will be discussed as part of this application.

Mike Sgaramella, Board Engineer stated that a review of Borough files on the property revealed that there is no record of the increase in coverage. The home was built in 2005, but the surface grading permit was never closed. A building plan was submitted and it included all improvements on the property. The building plan was calculated to be 30% at that time. However, somehow it got bigger.

Michael Rubin responded that it could have been miscalculated. His client did not own the home at that time.

Jim Guider, engineer for the applicant, was sworn in.

Mr. Guider stated that the home is in the R-15 zone and has a lot area of 29,000 square feet. All setbacks comply. Mr. Frungillo wants an additional parking area for two of his vehicles. The request is for a front yard coverage of 41.16% where 40% is allowed. The improved lot coverage request is for 36.19% where 30% is allowed.

The current driveway is very hard to navigate, especially when cars are parked in the driveway area that is opposite the garage. There is no room to turn the car around to exit head first. The proposed driveway section is 23 feet wide and 22 feet deep for two vehicles. There are three inlets in the area and all drainage flows to the street.

Mike Cannilla commented that the parking area is enormous and asked if there were ways to reduce the coverage. Mr. Guider said that they want to keep a solid surface access to the rear of the property. Mr. Guider admitted that it might be possible to get to a compliant 40% coverage in the front yard.

Mike Cannilla responded that this is a large variance and they should be creative and try to solve the problem with minimal impact. Maybe the current area that cars are parking could be reduced. Mr. Guider noted that today's vehicles are larger and require more room.

John Novalis asked what the distance is from the garage door to the opposite curb line. Mr. Guider replied that it is 42 feet. There was subsequent discussion on how much room is really needed to turn a car around.

Mike Cannilla reiterated that they should explore options for the best solution. The applicant's engineer Jim Guider indicated that there might be ways to reduce the coverage. He added that he also wants to meet the objectives of his client.

Mike Cannilla reminded them that they must be respectful of the zoning ordinance.

Mr. Guider presented a photo display.

A-1: photo series of front parking and driveway

Mr. Guider described the photos of the area. Brian O'Connor asked if they could eliminate some area of where the cars currently park. It is a 42-foot wide area. Jim Guider said he would discuss with his client.

John Novalis asked for the square footage of new parking area. The proposed parking area is approximately 1000sf. This will result in almost 3000sf in total for the driveway and parking.

Jeff Noss stated that his observation is that it seems like a lot of room. Mike Cannilla added that the driveway is wide and he is struggling to understand the problem.

Jeff Noss reminded the applicant that the variance runs with the property. The deficit is not the applicant's fault, but it must be taken into account.

Mike Sgaramella confirmed with the applicant that the curb cut at the street is not changing.

The meeting was opened to the public. Seeing no questions, it was closed to the public.

Michael Frungillo, applicant, was sworn in. He stated that he bought the home in 2019 from the people who built the home. All rear improvements existed. He did not apply for permits for the driveway expansion.

He stated that he has had cars stolen from his driveway and his landscaper recommended put the parking area in for more maneuverability. He has since gone to the Borough and addressed the prior permitting issues and the lack of a C/O that he did not know about. He installed four security cameras after another break-in. He wants to have a safe home and wants to clean up the yard.

Mike Cannilla asked how this would make it safe. Ed Facas added that a security camera would not prevent a car theft. When asked what is in the garage, Mr. Frungillo said that his Tesla and BMW are in there. He said he wants the driveway room to move his cars freely.

Jeff Noss said that he agrees with the applicant that the current condition of the front yard is a mess. You needed permits and if you had gotten them, you would have known about the coverage issue and you would not have started it.

Michael Rubin responded that the excess lot coverage is due to all the rear yard improvements. This owner did not know that.

Mike Cannilla stated that many people in Florham Park do not have a large driveway area and still back out of their driveways. He is not sure why the applicant has so many car thefts. He asked how this change in configuration would solve the security issue.

Mr. Frungillo said that there would be more visibility to the driveway from the house. Right now, it is not easy to see what is going on in the front of the home. This will clear the view so it is easy to see.

Jeff Noss commented that there were eight reported instances of stolen vehicles in Florham Park last year. That is not a lot. He did not see how this would change anything.

Mr. Frungillo replied that he is being targeted.

Mike Cannilla explained that there two ways a variance can be justified. There needs to be a hardship and he does not see one on this property. He gave examples of legitimate hardships. It can also be that the proposed improvement is a benefit to the community. He cannot see how this plan would benefit anyone other than the applicant. Maybe a planner can explain this. He also commented that this is a very wet town and we need to be sensitive to the permeability of the soil.

Michael Rubin asked for a break to confer with his client.

Break: 7:35-7:45pm.

The meeting was called back to order at 7:45pm. Mr. Rubin stated that they want to adjourn for this evening and asked to be carried to the May 17, 2023 meeting. They want to reevaluate the plan.

Mike Cannilla suggested presenting a turning template and additional dimensions at the next meeting.

Mike Cannilla asked for a motion to carry.

Mr. O'Connor made a motion to carry the application to May 17, 2023 without further notice or publication, second by Mr. Noss.

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 8:00 p.m.

Marlene Rawson  
Board Secretary

April 5, 2023