

**Zoning Board of Adjustment
Regular Meeting Minutes
August 2, 2023**

The Regular meeting of The Borough of Florham Park Board of Adjustment was called to order on Wednesday evening, August 2, 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. Rick Zeien
Mr. Brian O'Connor
Mr. Ed Facas

Members Absent:

Mr. Michael Shiviets
Mr. Jason Jensen

Also Present:

Mr. Michael Mullen, 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 July 12, 2023 Meeting.

Mr. O'Connor 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.

C-Variance:

6. **Marco & Nicole Iacovo** **Application #BOA23-5**
67 West End Avenue
Block 3302, Lot 17 (R-15 zone)

Applicant is seeking approval for excess building coverage in connection with the construction of a carport on the east side of the dwelling and a pre-existing detached garage.
Carried from the July 12, 2023 meeting without further notice.

Harrison Branary, Engineer for the Applicant remained sworn in. He confirmed that the building coverage was corrected and is now 3766 square feet or 15.6%.

Mike Cannilla said that the approved plan was based on removing one third of the detached garage. Mr. Branary agreed that the detached garage that was approved was a 2-bay and 715 square feet. He added the detached garage is pre-existing and non-conforming. Mr. Cannilla commented that keeping the 3- bay is exacerbating the non-conforming condition.

Michael Mullen, Esq. said that there are two elements that are affecting building coverage. Mike Cannilla stated to the applicant that you mitigated the condition by removing one third of the garage. Now you want to keep it the original size.

There was discussion on if building coverage would be compliant if the carport was eliminated. It was determined that the three bay garage in of itself, created excess building coverage.

Mr. Branary said he met with Borough Engineer Mike Sgaramella and he concluded that it would be difficult for drywell system to be successful due to the soil permeability. He said that installing a pipe to the street catch basin is an option that he could agree to allow. A review of the plan is pending with Mike Sgaramella.

The ordinance requires that storm water and runoff be piped out to the street. The carport provides for a collection of the water and directs it offsite to the street.

Upon questioning by Mr. Cannilla, Mr. Branary said that the driveway is curbed with Belgian block and it slopes to the street. The catch basin is 150 feet to the east. The pipe would be under the grass area to the basin.

Jeff Noss as how the garage was permitted to be built so large. Mike Cannilla said that it is old and preexisting. There are no Borough records on it.

Brian O'Connor commented that the neighbor is worried about his property. He asked how the runoff would be mitigated. Harrison Branary responded that the neighboring property is lower. The Applicant's property will have inlets to capture the storm water. The driveway will be pitched to the street, not the sidewalk.

Mike Cannilla commented that the applicant is relying on the municipal system to be able to accept the storm water. He has seen the water come up from the catch basins.

Rick Zeien said that there is no Belgian block on the driveway yet. The property drains from back to front. The block may help the situation.

Mike Cannilla verified with Mr. Branary that there is no change to the scope of the project.

John Novalis asked if the pipe size of four inches that collects water from the home and leads to a six-inch pipe would work. Mr. Branary replied that yes, it will work. The plan is under review with the Borough Engineer.

Mr. Cannilla wanted to be certain that it would work. The Applicant is draining all the water to the municipal system that may not be designed to handle the flow. The purpose of a drywell is to maintain some water on the property. He was surprised that here is no change to the size of the project.

Jeff Noss asked what was there before. Mr. Branary replied that he only knows what is on the survey. There was further discussion on the conditions of the former home as opposed to the new home and the management of the storm water. The runoff from the former home ran directly to the street.

Jeff Noss stated that there is no increase in lot coverage. We should be cautious about stating that the oversized homes are exacerbating the water issue.

The meeting was opened to the public.

89 West End Ave. Resident: Asked why the portion of the garage was not removed prior to construction of the new home.

Mr. Cannilla responded that the plan was approved based on the removal of on the bays of the garage. They can build but will not receive a C/O until that condition is met.

89 West End Ave. Resident: Commented that the water from the driveway does not go to the street. She said it goes to the sidewalk.

Mr. Cannilla responded that the Belgian block will help but agreed that water pools on the sidewalk. Both Mr. Cannilla and Mr. Novalis thought that an inlet might help.

Resident - Mr. Esposito: He lived there for 45 years. He agreed that water pools on the sidewalk. It creates icing conditions in the road when the catch basins are full.

O-1: series of photos of sidewalk and property

Mr. Iacovo said he has owned the property for only two years. The condition has existed for many years. He is trying to fix it the situation. He did not cause the water problem.

Mr. Cannilla responded that unless there is a reason for this variance request, the Board would have a hard time.

Mr. Noss asked Mr. Esposito what he thinks made the water problem worse. Mr. Esposito replied that the subdivision on Riverside (behind them). Mr. Noss asked him if he thinks this project will make it worse and Mr. Esposito said that yes, he believes that it will be worse.

There was lengthy discussion on how the water problem has gotten worse. Mr. Esposito commented that the street was made lower years ago, curbing added and the water flow changes. Mr. Novalis said that the town should address the water in the street.

Mr. O'Connor told Mr. Esposito that he and the Applicant inherited the water problem. Installation of Belgian block on the driveway will help. Maybe the property can be sloped so it does not affect the neighbor. Maybe a drain could be installed in the driveway.

The homeowner stated that he would do that.

Mr. Zeien agreed that the Belgian block and a drain would help with the water drainage. Mr. O'Connor commented that we cannot fault the homeowner for the water problem.

Resident Esposito. Commented that a driveway drain will work. He added the pipe through the curb from the sump pump causes icing.

There was additional discussion on water management in the area. Mr. Cannilla stated that water would pool on the sidewalk with this plan. This must be resolved and the plan approved by Borough Engineer.

Mr. Branary replied that we are taking existing water and capturing it. That is all we are required to do as per the ordinance. We are installing an additional drain in the rear.

John Lyons, architect for the project, was sworn in. He described the location of the porte cochere on the right side of the home. It makes the right side of the home more attractive instead of being just flat. It is an open-air structure that will provide cover from the weather elements. It adds character to the home and enhances the streetscape.

The garage door for the left bay of the existing detached garage will be removed. They will add a regular door. The area could be used for storage.

Mr. Novalis wondered how many homes in Florham Park have this many garages. This is a very large structure. It is a great design, but where is the hardship?

Mr. Noss did not think that there was a hardship. They just need a variance for building coverage.

Mr. Cannilla asked what the benefit is. Mr. Lyons replied that it adds value to the home, improves the streetscape, and helps with the drainage on the street.

Mr. Noss asked how someone would get to the attached garage with a vehicle. Mr. Lyons replied that the porte cochere addition does not change the navigation to the garage. Mr. Novalis asked if the driveway moved somewhat because it seems difficult. Mr. Branary replied that there was no substantial difference in the design.

Mr. Cannilla asked about the plan to have gas and electric to the garage. He said it sounds like it is going to be used for more than storage. It was stated that it could be used for a workshop.

Mr. Facas asked why there are no plans to finish the garage bay that is being converted. Mr. Noss commented that the Applicant would only be a little bit over the coverage if they removed the third bay. He also wondered why they want the third bay so much. Why is it so critical?

The meeting was opened to the public. There were no questions for the architect.

Break: 8:00-8:15pm.

After returning from the break, John Lyon stated that they would work with the Borough Engineer. This is a positive design that must be considered.

Mr. Cannilla said at this point you can ask for a vote, or you can give us more information.

Mr. Iacovo stated that he has nothing to add.

Mr. Cannilla summarized the information, as he understood it. He said that the lot grading plan was approved based on part of the garage being removed. There was no carport planned on the approved plans. There were several proposed drywells. He noted that regardless of the outcome of this application, the water must be managed properly. It should improve conditions on the street and help the community. It sounds like trench drains must be used.

Michael Mullen asked the applicant if they agree with that statement.

Harrison Branary replied that yes they do. They are working with the Engineer on the storm water management.

Mr. Noss stated that he does not feel he has enough information to vote.

Michael Mullen advised the applicant that the water issue is your issue, no matter what. If there is something else you want us to consider, now is the time.

Mr. Cannilla said that there are two variances and no indication that there is an option. They have an accessory building that is 715 square feet and a porte cochere. The language in the notification that covers any additional variances.

Mr. Lyons asked if they could bifurcate. Mr. Cannilla replied that you would not get two or three votes.

Mr. Cannilla added that he is not comfortable with the storm water management issue.

Mr. O'Connor said that they have no information on what the Borough Engineer would decide and agree to.

Michael Mullen told the Applicant that if the Board elects not to give you the relief, you cannot come back with a different plan. Your application is over.

Mr. Cannilla recommended that they take time to think about what they want to do with their property in the future because they are running close to the lot coverage limit.

The Applicant ultimately decided to carry the application again. They want the next meeting on September 6, 2023 but the meeting is full. The next available meeting is September 20, 2023. After a brief discussion, it was agreed that the application could be carried to September 6, 2023, but they would only have ½ hour to finish the application.

Mr. Cannilla again advised the Applicant to look at the property and think long term.

Mr. Zeien made a motion to carry the application September 6, 2023 meeting without further notice, second by Mr. O'Connor.

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 9:00 p.m.

Marlene Rawson
Board Secretary

August 2, 2023