

**Zoning Board of Adjustment
Regular Meeting Minutes
July 12, 2023**

The Regular meeting of The Borough of Florham Park Board of Adjustment was called to order on Wednesday evening, July 12, 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. Michael Shivietz
Mr. Ed Facas

Members Absent:

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 May 17, 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.

Marco and Nicole Iacovo were sworn in. Harrison Branary, architect, was also sworn in. Mr., Iacovo stated that he is an East Hanover resident and recently bought in Florham Park. This is a newly constructed home. There is a pre-existing, non-conforming three car detached garage. He wants to add a

porte cochere on the side of the home. He feels that this feature will serve a functional need to enter and exit the home under cover. It will also be an architecturally attractive element.

Mike Cannilla noted that this request is after construction of the new home and wondered why the element was not incorporated in the original design.

Mr. Iacovo replied that it was something that he originally expected to add later but since changed his mind. He felt that it made more sense to construct now. He stated that it is a nice accent and something that he always wanted but did not think of it at the time of design.

John Novalis wondered if he realized that this would create a building coverage issue. Mike Cannilla added that it could have changed the original design.

Jeff Noss asked if this was a spec house that they bought from a developer. Mr. Iacovo replied that he owned the original home and had planned to put on an addition to that home. Ultimately, it was decided that it made more sense to demolish the home and start over.

Harrison Branary stated that the lot is roughly a half acre in the R-15 zone. They need a building coverage variance. The allowable building coverage is 13.5% and they are requesting 15.7%.

The approved lot-grading plan included keeping the detached garage but removing one bay. The building coverage is approved as 12.7% on lot grading plan. They also planned to remove the shed on the property, realign the driveway and construct a new deck. The current new home construction on the property was approved under these conditions.

The changes to this plan include the addition of a carport (porte cochere), realign driveway to be under the carport, eliminate the deck, and keep the current three-bay garage. He intends to run utilities to the garage (gas water, electric, sanitary line).

A-1: revised plan sheet with revision date of June 1, 2023 (7.12.23)

It was discovered that the Board members do not have the most recent plans. Mr. Cannilla said that the plan pages must be entered in as an exhibit.

The improved lot coverage is 26.8%, which is compliant.

John Novalis noticed that there is a large garage that is attached to the home as well. He thought it was a two-car garage but Mr. Branary stated that it is an oversized one-car garage. It is 16 feet wide and has a 12-foot door. Mr. Novalis verified with Mr. Branary that the detached three-car garage is now proposed to remain. The approved lot-grading plan called for the removal of one of the bays of the garage.

Mike Cannilla said that even without the addition of the porte cochere, a building coverage variance is needed to keep the existing three-bay garage. He stated that although it is only one variance, there are two elements that are causing the overage. They are the existing garage and the proposed porte cochere.

There were questions on whether the front porch was included in the approved lot-grading plan for the new home and it was confirmed by the applicant that it is included. The ordinance change regarding overhangs allowed for more available building coverage since the only overhang beyond 18 inches is the porch overhang.

The existing garage increases the building coverage to 14.2%. The carport is an additional 507 square feet and will further increase the building coverage by 1.5% to 15.7% where 13.5% is allowed.

The existing detached garage is 31 ft. X 26 ft. The storm water management plan has been approved by Engineering and will consist of drywells.

Mr. Cannilla asked where the generator and A/C units are. Mr. Branary stated that the A/C units are on the side of the home and the generator will be located behind the detached garage. Mr. Iacovo stated that they would convert one bay of the garage and replace the garage door with a door.

The meeting was opened to the public.

Resident, 89 West End Avenue – Stated that four and a half garages, plus a carport seems excessive. Asked if the deck was eliminated. They responded yes. Asked what they are digging. They responded a generator line. Commented that there is a water problem in the area and this property is a mess. Harrison Branary responded that drywells are installed and they will capture the water.

Mr. Iacovo stated that he is not denying that the property is messy at this time, but there has been a lot of rain that there is no grass to absorb the water.

Mike Cannilla responded that it is the homeowner's responsibility to have and comply with a soil and sediment control plan. Further discussion ensued. Mike Cannilla asked if the drywell plan increased with this project. The engineer responded that the tanks would now have a larger diameter.

Resident stated that the water problem existed even when there was grass there. Resident does not want this application approved due to the water problem.

Resident, 61 West End Avenue – Asked about the door by the carport and where it leads. Applicant stated that it leads to the attached garage. Resident asked why the carport is needed. They replied that it would provide a protected way to enter the home.

Resident, 69 & 73 West End Avenue – Resident wants him to have what he wants. Resident was young at one time and understands. Resident reiterated that the area is wet and soggy. Resident has a very wet property. Resident complained about the nearby subdivision and neighbor's water draining and settling on resident's property. Resident worried about the carport worsening this condition.

The meeting was closed to the public.

Mike Cannilla explained to the applicant that the home is in an area of Florham Park that is very low and has a terrible water problem. He asked Mr. Branary if a soil test was done and if he knows that the soil perks.

Mr. Branary replied that no test was performed yet. He noted that if it does not perk, there are alternative systems that can manage the water.

Mike Cannilla responded that the Board needs to know that the system will work because the water must be managed. The folks at this meeting are not wrong about the water problem. He added that the variance runs with the land. They need a reason for all the excess coverage and the associated variance. Coverage from the rain may not be a valid reason. The home is newly built and could possibly have been designed to be in compliance. There must be hardship explained and/or a benefit to the town and improvement to the community.

Michael Mullen, Esq. addressed the applicant. He said that he has the attention of the Board and the public. He must be sensitive to that and give them the information that they need to act on the application. This is an experienced Board who have been together quite a while. A planner may be able to help take your observations and create something that everyone would understand. He emphasized that a planner is not required but it might be beneficial.

Harrison Branary asked if a larger drywell would benefit the case. Mike Cannilla explained that the Zoning Ordinance must be equitable to everyone. Just because someone has the means to upgrade a system does not justify a reason to allow more coverage. However, it is your application and you can do whatever you want.

Jeff Noss said that since there is already a driveway there, he did not think that roof run-off from the porte cochere would be exacerbated since the driveway already existing. He asked if the original home had any water mitigation systems. Harrison Branary responded that he did not know, but now they are capturing the water by way of a drywell whereas before the water just drained off the site.

Mike Cannilla asked if the proposed driveway is larger and has more asphalt. There was discussion about the asphalt under the porte cochere and how to count it. Mr. Branary stated that he did not know if the asphalt under the porte cochere is counted as improved coverage. However, he added that coverage is not counted twice for the same element. Mike Cannilla stated that it should be clear on the plans if the asphalt is counted.

Mr. Cannilla concluded that the Board needs reasons on the design process. Why do you need the third bay of the detached garage and the port cochere? There needs to be a greater good other than good for the applicant. He said that the application could be carried to a future meeting if they want to think about their reasons and the overall plan again.

Mr. Iacovo asked if a resident that lives beyond the 200 feet of his property could comment on the application.

Mike Cannilla replied that anyone has a right to comment on the application.

Break: 8:10 – 8:20pm

The applicant took a 10-minute break. When they returned, they asked to be carried to the August 2, 2023 meeting without further notice or publication.

Mr. Cannilla asked for a motion.

Mr. Zeien made a motion to carry the application to August 2, 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 8:20 p.m.

Marlene Rawson
Board Secretary

July 12, 2023