

**Zoning Board of Adjustment  
Regular Meeting Minutes  
March 15, 2023**

The Regular meeting of The Borough of Florham Park Board of Adjustment was called to order on Wednesday evening, March 15, 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  
Mr. Michael Sgaramella, PE, Board Engineer  
Mr. Michael Mistretta, PP, Board Planner

**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 1, 2023 Meeting.

Mr. Zeien made a motion to approve the minutes, second by Mr. O'Connor

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

**Resolution of Approval:**

2. **Frank and Kathleen Gargiulo**                      **Application #BOA23-2**  
119 Roosevelt Blvd.  
Block 3303, Lot 13

Applicant is seeking approval for excess lot and building coverage, side yard setback, driveway setback, size of accessory structure, accessory structure side yard setback, relating to a second floor addition and detached garage replacement.

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

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

**Site Plan Waiver:**

**7. Steven Johnson & Lisa Florio**  
76 Burnet Road  
Block 1501, Lot 3

**Application #23SPW-3**

Applicant is seeking to modify a condition of a prior use and bulk variance approval (BOA# 22-01). Applicant has requested to be carried to the April 19, 2023 meeting without further notice or publication.

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

Roll Call: On a roll call vote all members present and eligible voted to carry the application

**C Variance:**

**8. Frank Brown**  
27 Roosevelt Blvd.  
Block 2906, Lot 23 (R-15 Zone)

**Application #BOA22-10**

Applicant is seeking approval for excess lot and building coverage, plus setback relief in connection with exterior modifications and site improvements to their home. Carried from the October 5, 2022 meeting without further notice or publication.

Frank Brown, applicant was sworn in. He stated that they heard the concerns of the Board at the first meeting, and they revised the plans. He hopes that the Board will accept the new plan.

Michael Tobia, Planner for the Applicant, remained sworn in. He recalled that the original plan had too many variances and the project needed a "haircut".

A:6: colorized site plan – 3/15/23

Mr. Tobia stated that they removed the shed that was on the Hillside Avenue side. This was 500 square feet. The project now has a garage with a basement that located to the rear of the front of the house. The garage is 350 square feet.

The size of the pavilion was reduced to 367 square feet from 477 square feet. The rear patio was reduced from 605 square feet to 295 square feet. The driveway depth is now 36ft. The parking stalls formerly in the front of the home have been removed and it is now a professionally landscaped area. The total driveway coverage was reduced from 2742 square feet to 2271 square feet.

The lot coverage was 34.8% and is now 29.8%. It is compliant and no variance is needed. The proposed building coverage request was 17.66% and is now 16.04%. A variance is still needed for this. They noted that the recently built existing home was built to the maximum.

Mr. Tobia agreed that the proposed shed was placed too close to the Hillside Avenue front yard and too near the site triangle. The new proposed garage is 90 feet from Roosevelt Blvd. This eliminates one front yard setback variance. The garage is 5.3 feet to the property line and pavilion now has a 10.1-foot setback to the Hillside Avenue. There is also a 15-foot ROW to the paved street so it adds more distance to the setback. A variance for an accessory building in front of main building is needed.

Mr. Tobia noted that there is a practical difficulty in that there is essentially no building envelope. Both accessory buildings are in the setback. He found it interesting that the lot is 57% larger than the minimum lot size in the R-15 zone and yet there is no workable building envelope. This is due to the unique shape of the lot.

He stated that the proposal involves high quality improvements. There is good coverage and bad coverage. They eliminated three variances with the new plan. They still need four variances. He reiterated that there is no usable building envelope. The accessory structure is a high-end design and made of quality materials that will match the home. The third garage will free up room for the family and the driveway has been reduced. He concluded that it is reasonable to expect amenities for a single family home.

Mr. Tobia continued that the variances are C-1. The hardship is the size and shape of the property that creates exceptional practical difficulties. He also stated that they will landscape the Hillside Avenue frontage with a buffer of mature evergreens along Hillside Avenue. This will screen the two accessory buildings from the road as well as give privacy to the homeowner. The proposed landscaping would be 8-10ft at planting.

A-7: architectural rendering (colorized three sheets)

Mr. Tobia said that there would not be any plumbing within the pavilion. It is designed as an open-air structure that will have less massing. There will be a gas line for the grill and fireplace. He restated that the area is buffered and high quality structures and will advance the purpose of zoning.

John Novalis stated that his storm water concerns are now addressed.

Mr. Cannilla asked if the pavilion could be moved to the opposite side where it would not need a variance. Mr. Tobia said that it would not fit and would be up against the neighbor's home and garage. He admitted that if the patio were relocated then it would be possible to fit it in that area.

Frank Brown added that he prefers this layout because it creates back yard space.

Mr. Cannilla asked if a vehicle could reasonably fit in the garage because of the staircase to the basement.

A-8: Garage interior

It was stated that the interior of the garage is 11 feet clear but measures 8'9" to the stairwell. It is a 36" staircase. Mr. Cannilla said that a large vehicle would not fit and it would be extremely difficult to open a car door of any size. He wondered if it is being called a garage when it is really to be used as a shed.

Mr. Cannilla went on to say that while he agrees with deserved amenities, there are multiple large outbuildings proposed. This may be more than what is considered reasonable. He struggles with the hardship reason. The applicant bought the property and built the home right to the maximum permitted by ordinance. This was the applicant's design. The proposed project has a 5 ft. setback to the property line and is 3% over on building coverage.

Mr. Tobia restated that the area would be buffered with lots of plant material planted at mature size.

Mr. Zeien confirmed that it is 5.3 feet from the property line to corner of garage, and the sidewalk looks 4 feet wide. The right of way from the property line to the curb line is 15 feet. He also confirmed that the garage is proposed to be 23 feet deep.

Mr. Novalis stated that his primary concern is the setback deficiency for the garage, even though it is proposed to be moved. He said that he does not know of any property in Florham Park that has structures in the front yard. The garage could be moved to back yard and have less of a variance his opinion.

Mr. Brown responded that if they were both in the back yard, it would be too crowded.

Mr. Cannilla agreed that a backyard is necessary. He asked if they considered landscaping and no pavilion. There are other ways to have an outdoor kitchen. Then there would be no variance. He also stated that the existing utility pad for a generator is very large at 106 square feet.

Mr. Noss asked about the proximity of the pavilion and the patio and how they will be used. It was stated that the cooking area would be in the pavilion. The patio would be used for tables and seating. There is no walkway from patio to pavilion. He wanted clarification on how the building coverage was reduced.

Mr. Tobia said that they reduced the pavilion size and the shed size in order to reduce the building coverage from 17.66% to 16.1%.

Mr. O'Connor asked if they are proposing a garage or a shed. He asked if a car is going to be in there or not. If it is a shed, then it could be relocated and moved closer to pavilion. The structures could work together. Mr. Zeien agreed that it could be pulled away from property line somehow.

Mr. Facas remarked that it is a beautiful home. However, he is also struggling with understanding what the hardship is and he wants to hear more about that hardship.

Mr. Brown said that he did not realize that he created a problem when he was building the home. It was recommended to him to move the house back from the original location to avoid a variance. However, by doing that, he is now limited on what he can do.

Mr. Tobia agreed that it is a complicated, large lot that it unusable. He described a hardship as a property that by way of exceptional narrowness, shallowness, or shape that strictly applying zoning standards cannot be achieved. The lot creates exceptional practical difficulties or undue hardship. He reiterated that it is a large lot, but there is nowhere to put stuff.

Mr. Cannilla was not sure about the practical difficulties reason. He felt that it implies necessary items for the home. He considers the requested amenities beyond basic and are more luxury items. Variances run with the land.

Mr. Mistretta agreed that the Board brought up valid questions that were his concerns as well.

Mr. Tobia requested a break.

Break: 7:30-7:40pm

The meeting re-convened at 7:40pm. Mr. Tobia said that they would remove the garage request. This will reduce the building coverage 1.4% to 14.6%. Everything else will stay the same. The pavilion remains in same location will also have a basement. Gas and electric will be brought to the pavilion. There may be plumbing as well. The pavilion will be 10.1 feet from the Hillside Avenue setback line. They agree to an open-air pavilion condition.

Mr. Tobia went on to say that the pavilion is 10.1 feet from the Hillside Avenue setback line. There was some discussion on how the basement will be accessed. They will have either an interior staircase or a tunnel.

Mr. Novalis recommended moving the pavilion closer to the patio. They agreed to move it five feet closer towards the patio. They also agreed that the improved coverage would comply at 30% or less.

Mr. Tobia reviewed the conditions. They will remove the garage. This will reduce the building coverage variance to 14.6%. The pavilion will have a basement that will be accessible by an internal staircase or a tunnel. They will shift the pavilion five feet closer to the patio. The front yard setback to Hillside Avenue is 15 feet. This is a variance. A Bilco door to the basement under the pavilion was brought up as an option. Mike Cannilla said they should be aware that it would add to building coverage.

Mr. Cannilla also said that he is unsure about a tunnel. He thought that it might be considered improved coverage. Mike Sgaramella responded that it would be a building department issue.

Mike Sgaramella asked what the purpose of the drainage ditch was on the west side of the property. Jeff Simons, engineer, replied that it is a trench that alleviates the standing water in that area.

Mr. Novalis commented that he is very pleased with the cooperation that the Applicant and his team displayed on this project. There were many concessions made.

The testimony was completed. There were no other comments or questions from the Board or the public.

Mr. Cannilla called for a motion

Mr. Zeien made a motion to authorize the Attorney to prepare a positive resolution, second by Mr. O'Connor

Roll Call: Zeien, yes; O'Connor, yes; Cannilla, abstain; Noss, yes; Novalis, yes; Shivietz, yes; Facas, yes.

On a motion duly made and seconded the meeting was adjourned at 8:05 p.m.

Marlene Rawson  
Board Secretary

March 15, 2022