

**MINUTES OF THE
MENDHAM BOROUGH BOARD OF ADJUSTMENT
April 7, 2015**

Garabrant Center, 4 Wilson Street, Mendham, NJ

CALL TO ORDER

The regular meeting of the Mendham Borough Board of Adjustment was called to order by Mr. Seavey, Chair, at 7:35PM at the Garabrant Center, 4 Wilson Street, Mendham, NJ.

OPENING STATEMENT

Notice of this meeting was published in the *Observer Tribune* and in the *Daily Record* on January 22, 2015 in accordance with the Open Public Meetings Act and was posted on the bulletin board of the Phoenix House.

ROLL CALL

Mr. McCarthy – Absent	Mr. Smith - Present
Mr. Palestina – Present	Mr. Peck – Present
Mr. Peralta – Present	Mr. Seavey - Present
Mr. Ritger - Present	

Alternates:	Ms. Callahan, Alternate I – Absent
	Mr. Sisson, Alternate II - Present

Also Present:	Mr. Germinario, Board Attorney
	Mr. Denisiuk for Mr. Hansen, Board Engineer

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MINUTES

On motion duly made, seconded and unanimously carried by voice vote, the minutes of February 3, 2015 were approved, as written.

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PUBLIC COMMENT

Mr. Seavey opened the meeting to the public for questions and comments on items not included on the agenda. There being none, the public session was closed.

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APPLICATIONS

BOA #04-15 - Grieco, Gino & Angela, 30 Coventry Road, Block 1402, Lot 18 – Variance relief for lot coverage for the construction of an inground pool

Present:	Gino Grieco, Applicant
	Lawrence Fox, Attorney for Applicant
	Mark Mantyla, Engineer for Applicant

Mr. Seavey recused from the hearing and handed the meeting over to Mr. Peck.

Mr. Germinario advised that he had reviewed the public notices and confirmed they were sufficient to confer jurisdiction upon the Board.

Mr. Grieco and Mr. Mantyla were sworn.

Mr. Fox summarized the nature of the application and stated that construction of the pool will result in impervious coverage of 25.11% where 20% is allowed. Mr. Grieco confirmed that the size of the concrete patio area was reduced from the original design in order to lower the lot coverage amount. He also informed the Board that health restrictions prevent Mrs. Grieco from taking their children to the public pool.

Mr. Mantyla was qualified and accepted as an expert by the Board.

Mr. Mantyla explained the dimensions of the pool and confirmed that he designed it with the minimum amount of lot coverage. He further indicated there is an existing drainage system and proposes to install a similar system with two underground leakage tanks. Mr. Mantyla

stated that the benefits outweigh the detriments and that no negative impact would exist should the variance be granted. He added that there are a number of inground swimming pools in the neighborhood.

After discussion, Mr. Grieco agreed to reposition the pool such that it does not encroach upon the side yard setback. The Board requested revised plans to show the pool position and any required modification of the dry wells for purposes of stormwater management. Buffering is to be added along north easterly line and reflected on final plans as well.

Mark Koide, CO of Anthony Sylvan Pools, was sworn.

Mr. Koide stated that the proposed pool would be considered on the smaller side.

Mr. Peck opened the floor to questions from the public. There being none, Mr. Peck closed the public portion of the hearing.

Mr. Peck opened the floor to comments from the public. The owner of an adjacent lot stated that he is in favor of the Board approving the application. Hearing no further comments, Mr. Peck closed the public portion of the hearing.

There was consensus among the Board in support of the application subject to the following conditions:

- Revised plans shall relocate the patio so that it does not encroach upon the 20-foot side yard setback.
- Revised plans shall depict a landscaped buffer along the northeast property line.
- Any lighting of the pool/patio area must be approved by the Borough Engineer.
- Revised plans shall correct the lot coverage to include pool and spa water area, so as to reflect proposed lot coverage of 25.11%.
- Drywell design calculations shall be revised to reflect 25.11% lot coverage, and drywells shall be sized accordingly.
- The distance from the patio to the rear lot line is not consistent with the proposed dimension of 30.5 feet. This shall be corrected on the plan.
- The location of the proposed silt fence shall be shown on the plan.
- The existing driveway shall be used as a construction entrance as shown on the plan as opposed to the north side of the property.

Mr. Peralta made a motion to approve the application subject to the above conditions, which was seconded by Mr. Smith.

ROLL CALL: The result of the roll call was 6 to 0 as follows:

In favor: Palestina, Peralta, Ritger, Sisson, Smith, Peck
 Opposed: None
 Abstentions: Seavey

The motion carried and the application was approved. Mr. Germinario agreed to prepare a resolution memorializing the action for the May 5, 2015 regular meeting of the Board. Ms. Kaye will make the appropriate public notification.

Mr. Seavey returned to the dais and resumed control of the meeting.

BOA #01-15 – R. Brown Construction/Ogoff, 12 Lake Drive, Block 305, Lot 6 –
 Variance relief for front yard setback in order to expand porch

Present: Robert Brown, General Contractor
 Mark Ogoff, Property Owner

Mr. Germinario advised that he had reviewed the public notices and confirmed they were sufficient to confer jurisdiction upon the Board.

Mr. Brown reviewed the details of the application and his plans to build a front porch under the existing roof. Mr. Germinario explained that the Zoning Officer determined that the proposed construction is an expansion of an existing non-conformity that requires Board approval. Mr.

Brown offered to move the porch steps from the front of the house to the driveway side in order to reduce encroachment of the front yard setback.

Mr. Seavey opened the floor to questions and/or comments from the public. There being none, Mr. Seavey closed the public portion of the hearing.

Discussion followed regarding the placement of the stairs and it was determined that should they be placed at the front of the porch, the distance from the edge of the stairs to the front property line would be approximately 15'. Mr. Brown indicated that he would connect the front steps to the driveway by extending the existing bluestone walkway.

There was consensus among the Board that it would be more aesthetically pleasing to place the porch stairs in the front. It was proposed that the application be approved subject to the following conditions:

- The elevation and floor plan drawings shall be updated to include the required signature lines.
- The porch shall not be enclosed.

Mr. Seavey made a motion to approve the application subject to the above conditions, which was seconded by Mr. Peck.

ROLL CALL: The result of the roll call was 7 to 0 as follows:

In favor: Palestina, Peralta, Ritger, Sisson, Smith, Peck, Seavey
 Opposed: None
 Abstentions: None

The motion carried and application was approved. Mr. Germinario will prepare a resolution memorializing the action for the May 5, 2015 regular meeting of the Board. Ms. Kaye will make the appropriate public notification.

BOA #03-15 – Parrinello, Peter, 5 Knollwood Drive, Block 903, Lot 6 – Variance relief for front yard setback and building coverage for an addition

Present: Peter & Wendy Parrinello, Applicants
 Dan Encin, Engineer for Applicant

Mr. Germinario advised that he had reviewed the public notices and confirmed they were sufficient to confer jurisdiction upon the Board.

Mr. Encin was sworn and qualified and accepted as an expert by the Board.

Mr. and Mrs. Parrinello were sworn. Mr. Parrinello explained that their application stems from the need for larger living space. He added that they have been working with Mr. Encin to design an addition that will subtly increase the living space without jeopardizing the current streetscape.

Mr. Encin reviewed the existing floor plan to demonstrate that the proposed changes are in keeping with the neighborhood. He indicated that a variance for front yard setback is required for the second story addition and confirmed that the addition will extend only as far as the first floor which is an existing non-conformity. Mr. Encin stated that the proposed rear footprint triggers a variance for building coverage as well. The amount has been reduced from the original plan however they are requesting 12% coverage where 10% is allowed. He added that the property is in a wetlands transition area so they are working with ETI to apply for DEP standard general permit to allow for construction of the addition and redevelopment of the deck and patio area.

Mr. Seavey opened the floor to questions from the public. There being none, Mr. Seavey closed the public portion of the hearing.

Mr. Encin reviewed the Board Engineer's report dated February 17, 2015 and agreed to all terms therein.

Mr. Seavey opened the floor to comments from the public. A neighbor from an adjacent property offered his support of the project and requested that the variances be granted.

There was consensus among the Board in support of the application subject to the following conditions:

- The limit of land disturbance and grading shall be added to the plan.
- The project meets the definition for a minor stormwater development and therefore, the project must be designed to meet those requirements. A drywell (or similar infiltration) system shall be installed to capture 3" of runoff for the

proposed roof area. The overflow of the drywell system shall be designed so that it discharges away from the adjacent residential properties. A test pit shall be performed by a licensed engineer to determine the water table elevation prior to design. Drywell plans shall be approved by the Borough Engineer.

- A sewer approval shall be obtained from the Borough Council.
- The appropriate freshwater wetland transition area shall be added to the plan. Applicant shall obtain permit approval from the New Jersey Department of Environmental Protection for the land disturbance within the state regulated area.

Mr. Seavey made a motion to approve the application subject to the above conditions, which was seconded by Mr. Peralta.

ROLL CALL: The result of the roll call was 7 to 0 as follows:

In favor: Palestina, Peralta, Ritger, Sisson, Smith, Peck, Seavey
Opposed: None
Abstentions: None

The motion carried and application was approved. Mr. Germinario will prepare a resolution memorializing the action for the May 5, 2015 regular meeting of the Board. Ms. Kaye will make the appropriate public notification.

BOA #02-15 - Highmark Properties, 10 Orchard Street, Block 601, Lot 17 – Variance relief for lot coverage, building coverage and front yard setback for an addition

Present: Elaine Harris, Attorney & Member of Highmark Properties
 Michael Davis, Contractor & Member of Highmark Properties

Mr. Germinario advised that he had reviewed the public notices and confirmed they were sufficient to confer jurisdiction upon the Board.

Mr. Davis was sworn.

Mr. Davis reviewed the history of the application and reiterated his efforts to reduce impervious coverage, building coverage and front yard setback in the design. He stated that all three (3) are existing non-conformities and that a hardship exists due to the undersized lot. Mr. Davis added that he sought approval from the Council for an easement to allow the driveway to connect to the adjacent Borough driveway in order to reduce impervious coverage but was denied.

Mr. Davis reviewed the proposed floorplan which depicts an addition to the side as well as a second story. He confirmed that the foundation has been inspected to accommodate the second floor and that a structural plan has been developed.

Mr. Seavey opened the floor to questions from the public. There being none, Mr. Seavey closed the public portion of the hearing.

Mr. Davis referenced the Board Engineer's report dated April 6, 2015 and agreed to all conditions set forth therein. He further agreed to the recommendations from the Historic Preservation Commission and indicated that most are included in the current plan.

Mr. Seavey opened the floor to comments from the public. A number of Orchard Street residents expressed support for the improvements however, the height of the structure and the proposed flood lights were concerns. Mr. Davis confirmed that the height is within the ordinance and in keeping with neighboring homes and agreed to replace the floodlights with lanterns.

After discussion, there was consensus among the Board in support of the application subject to the following conditions:

- Sheet C-2 shall be revised to include a calculation of building height from average grade to confirm consistency with the Ordinance maximum of 35 ft.
- Revised plans shall eliminate flood lights in front of the dwelling and replace them with decorative lanterns.
- Revised plans shall include the following requirements of the HPC: (a) windows will be wood SDL windows; (b) window trim will be wood trim; and (c) gutters will be 5" gutters.
- Applicant shall obtain the approval of the sewer by the Governing Body.

- Prior to the issuance of any permits, the Applicant shall submit a resolution compliance package. The package shall include revised plans and documents, and a transmittal letter than explains how and where each condition of the resolution has been addressed.
- All application, escrow and inspection fees shall be paid in full and current at the time of issuance of zoning permits and construction permits. Engineering inspection fees will be paid out of the Applicant's escrow account, and the Applicant will replenish said account to the extent required to pay for said inspection fees.
- This approval is subject to all other approvals required by any governmental agency having jurisdiction over the subject property.
- This approval is subject to the payment in full of all taxes and assessments due and owing to the Borough of Mendham and/or any agency thereof.
- Pursuant to Ordinance Section 124-22, the Variance relief granted herein shall expire within one year of the memorialization of this Resolution unless the construction or alteration of the improvements requiring Variance relief has actually been commenced during that time period, provided that the running of the one-year time period shall be tolled during the pending of any appeal of the Board's decision to the Borough Council or to a court of competent jurisdiction

Mr. Seavey made a motion to approve the application subject to the above conditions, which was seconded by Mr. Palestina.

ROLL CALL: The result of the roll call was 7 to 0 as follows:

In favor: Palestina, Peralta, Ritger, Sisson, Smith, Peck, Seavey
 Opposed: None
 Abstentions: None

The motion carried and application was approved. Mr. Germinario will prepare a resolution memorializing the action for the May 5, 2015 regular meeting of the Board. Ms. Kaye will make the appropriate public notification.

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OTHER BUSINESS

Mr. Seavey announced that Ms. Kaye has resigned as Board Secretary.

ADJOURNMENT

On motion duly made, seconded and unanimously carried by voice vote, the meeting was adjourned at 9:44PM.

The next meeting of the Board will be held on **May 5, 2015 at 7:30PM** at the Garabrant Center, 4 Wilson Street, Mendham, NJ.

Respectfully submitted,

Margot G. Kaye

Margot G. Kaye
Board Secretary