

**MINUTES OF THE
MENDHAM BOROUGH BOARD OF ADJUSTMENT
May 5, 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. Peck, Vice 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 – Absent	Mr. Seavey - Absent
Mr. Ritger - Present	

Alternates:	Alternate I – Vacant
	Mr. Sisson, Alternate II - Present

Also Present:	Mr. Germinario, Board Attorney
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MINUTES

Mr. Ritger made a motion to approve the minutes of the regular meeting of April 7, 2015, which was seconded by Mr. Smith. On a voice vote, all eligible voters were in favor and the minutes were approved, as written.

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PUBLIC COMMENT

Mr. Peck 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: **Resolution**

Mr. Peck requested comments on the following draft resolution memorializing the Board's decision to grant variance relief for construction of an inground pool:

**BOROUGH OF MENDHAM BOARD OF ADJUSTMENT
RESOLUTION OF MEMORIALIZATION
Decided: April 7, 2015
Memorialized: May 5, 2015**

**IN THE MATTER OF GINO AND ANGELA GRIECO
"C" VARIANCE APPLICATION
BLOCK 1402, LOT 18**

WHEREAS, Gino and Angela Grieco (hereinafter the "Applicant") applied to the Borough of Mendham Board of Adjustment (hereinafter the "Board") for the grant of a variance pursuant to N.J.S.A. 40:55D-70c (hereinafter the "Variance") by application dated 3/9/15; and

WHEREAS, the application was deemed complete by the Board, and a public hearing was held on 4/7/15; and

WHEREAS, the Board has determined that the Applicant has complied with all land use procedural requirements of Chapter 124 of the Ordinance of the Borough of Mendham, and has complied with the procedural requirements of the Municipal Land Use Law, N.J.S.A. 40:55D-1, et seq., including without limitation, public notice pursuant to N.J.S.A. 40:55D-12; and

WHEREAS, the Board makes the following findings and conclusions, based on the documents, testimony and other evidence comprising the hearing record:

1. The property which is the subject of the application consists of 32,168 sq. ft. located at 30 Coventry Road in the R-1 zone and currently developed with a single family home.

2. The improvements to the subject property for which the Variance relief is sought comprise the construction of various site improvements in the backyard including an inground pool, patio, and related equipment. The application requests a variance for lot coverage as the proposed facilities exceeds the maximum lot coverage requirements per 215-31.1H(1).

3. The Applicant has submitted the following documents that depict and/or describe the improvements for which the Variance relief is required:

- Site Plans entitled "Pool Site Plan for Grieco Residence" prepared by Mark J. Mantyla of Sparta, New Jersey, dated November 22, 2014 with a latest revision date of February 3, 2015

4. In support of the application, the Applicant has submitted the following documents, which are part of the hearing record:

- Application for Hearing for R.S. – 40:55D-70(c) bulk Variance
- Certification of Status of Municipal Tax and Sewer Fees
- Zoning Officer Denial, dated December 16, 2014
- Site Inspection Form
- Tax Map and Area Map
- List of adjoining property owners

5. The Board's planning and engineering professionals and/or consultants have submitted the following reports concerning their reviews of the application, which are part of the hearing record:

John Hansen, PE, dated 3/3/15 and 3/13/15

6. Borough officials and/or agencies have submitted the following reports concerning their reviews of the application, which are part of the hearing record:

Fire Marshall Craig Bellamy, dated 3/24/15

7. In the course of the public hearings, no exhibits were marked as part of the hearing record.

8. In the course of the public hearings, the Applicant was represented by Lawrence Fox, Esq., and the Applicant presented the testimony of the following witnesses, which testimony is part of the hearing record:

Gino Grieco, Applicant
Mark Mantyla, Applicant's engineer
Mark Kuide, Applicant's pool contractor

9. The documentary evidence and the testimony of the Applicant and/or Applicant's witnesses adduced the following facts:

Pursuant to Ordinance §215-31.1H(1), the maximum permitted lot coverage is 20%, while Applicant proposes 25.11% lot coverage in connection with the proposed pool and patio improvements. The patio area has been reduced to the extent practicable. Drywells are proposed to capture the increased runoff. Pool and patio improvements of this type are typical in this neighborhood. Additional landscape buffering is proposed.

10. Based on the hearing record, the Board has made the following findings and conclusions relative to the Variance relief sought by the Applicant:

Since the exceedance of the lot coverage is minimal and the nature of the improvements are consistent with the neighborhood character, detriments associated with this variance are minimal and will be more than offset by the proposed upgraded landscaping.

Therefore, the grant of the Variance is warranted pursuant to N.J.S.A. 40:55D-70c(2), because the benefits of the deviation will substantially outweigh the detriments.

The Board further finds that this relief can be granted without substantial detriment to the public good and that the granting of this relief will not substantially impair the intent and purpose of the zone plan and/or the zoning ordinance.

NOW, THEREFORE, BE IT RESOLVED, that the Board does hereby approve the application and grant the Variance requested by the Applicant, as described hereinabove, pursuant to N.J.S.A. 50:55D-70c(2).

This approval is subject to the following conditions, which shall, unless otherwise stated, be satisfied prior to the issuance of a zoning permit for the improvements requiring Variance relief.

1. Revised plans shall relocate the patio so that it does not encroach upon the 20-foot sideyard setback.
2. Revised plans shall depict a landscaped buffer along the northeast property line.
3. Any lighting of the pool/patio area must be approved by the Borough Engineer.
4. Revised plans shall correct the lot coverage to include pool and spa water area, so as to reflect proposed lot coverage of 25.11%.
5. Drywell design calculations shall be revised to reflect 25.11% lot coverage, and drywells shall be sized accordingly.
6. 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.
7. The location of the proposed silt fence shall be shown on the plan.
8. The existing driveway shall be used as a construction entrance as shown on the plan as opposed to the north side of the property.
9. The following checklist items shall be addressed:
 - Submission of a copy of the referenced survey (checklist item 11)
 - Signature block be added to the plan (checklist item 24)
 - Zoning schedule added to the plan (checklist item 27)
10. Prior to the issuance of a Certificate of Occupancy, all improvements must be completed as per the approved plans.
11. 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.
12. This approval is subject to all other approvals required by any governmental agency having jurisdiction over the subject property.
13. 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.
14. 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.

The undersigned does hereby certify that the foregoing is a true copy of the Resolution adopted by the Borough of Mendham Board of

Adjustment memorializing the action taken by the Board at its meeting of 4/7/15.

Mr. Palestina made a motion to approve the resolution which was seconded by Mr. Ritger.

ROLL CALL: The result of the roll call was 5 to 0 as follows:

In favor: Palestina, Ritger, Sisson, Smith, Peck
 Opposed: None
 Abstain: None

The motion carried and the resolution was approved, as written.

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: Resolution

Mr. Peck requested comments on the following draft resolution memorializing the Board's decision to grant variance relief for construction of a front porch:

**BOROUGH OF MENDHAM BOARD OF ADJUSTMENT
 RESOLUTION OF MEMORIALIZATION
 Decided: April 7, 2015
 Memorialized: May 5, 2015**

**IN THE MATTER OF EILEEN AND MARK OGOFF
 "C" VARIANCE APPLICATION
 BLOCK 305, LOT 6**

WHEREAS, Eileen and Mark Ogoff (hereinafter the "Applicant") applied to the Borough of Mendham Board of Adjustment (hereinafter the "Board") for the grant of a variance pursuant to N.J.S.A. 40:55D-70c (hereinafter the "Variance") by application dated 12/24/14; and

WHEREAS, the application was deemed complete by the Board, and a public hearing was held on 4/7/15; and

WHEREAS, the Board has determined that the Applicant has complied with all land use procedural requirements of Chapter 124 of the Ordinance of the Borough of Mendham, and has complied with the procedural requirements of the Municipal Land Use Law, N.J.S.A. 40:55D-1, et seq., including without limitation, public notice pursuant to N.J.S.A. 40:55D-12; and

WHEREAS, the Board makes the following findings and conclusions, based on the documents, testimony and other evidence comprising the hearing record:

1. The property which is the subject of the application consists of 0.25 acres and is currently developed with a single family residence served by public water and public sewer. The site is located in the ¼ acre residential zoning district.

2. The improvements to the subject property for which the Variance relief is sought comprise construction of a front porch to the existing dwelling. A Variance is required for encroachment in the front yard setback as set forth in Section 215, Schedule II.

3. The Applicant has submitted the following documents that depict and/or describe the improvements for which the Variance relief is required:

- Architectural sketches, undated

4. In support of the application, the Applicant has submitted the following documents, which are part of the hearing record:

- Board of Adjustment application form and attachments, dated December 25, 2014
- Certification of Status of Municipal Tax and Sewer Fees (not signed by tax collector)
- Site Inspection Authorization form, dated December 25, 2014
- Copy of undated survey (title block cutoff)
- Zoning Officer denial letter, dated September 16, 2014

5. The Board's planning and engineering professionals and/or consultants have submitted the following reports concerning their reviews of the application, which are part of the hearing record:

John Hansen, PE, dated 2/12/15

6. Borough officials and/or agencies have submitted the following reports concerning their reviews of the application, which are part of the hearing record:

Fire Official Craig Bellamy, dated 2/7/15

7. In the course of the public hearings, no exhibits were marked as part of the hearing record.

8. In the course of the public hearings, the Applicant was represented themselves, and the Applicant presented the testimony of the following witnesses, which testimony is part of the hearing record:

Mark Ogoff, Applicant
Robert Brown, Applicant's contractor

9. The documentary evidence and the testimony of the Applicant and/or Applicant's witnesses adduced the following facts:

Applicant proposes to build an open porch under the existing second-story overhang, with stairs to extend in front, thereby reducing the front yard setback to 14.99 feet from 17.99 feet existing. The improvements will enhance the appearance of the dwelling.

10. Based on the hearing record, the Board has made the following findings and conclusions relative to the Variance relief sought by the Applicant:

The reduction of the front yard setback is minimal and consistent with the neighborhood pattern. Detriments, if any, are more than offset by the upgrade of the appearance of the dwelling.

Therefore, the grant of the Variance is warranted pursuant to N.J.S.A. 40:55D-70c(2), because the benefits of the deviation will substantially outweigh the detriments.

The Board further finds that this relief can be granted without substantial detriment to the public good and that the granting of this relief will not substantially impair the intent and purpose of the zone plan and/or the zoning ordinance.

NOW, THEREFORE, BE IT RESOLVED, that the Board does hereby approve the application and grant the Variance requested by the Applicant, as described hereinabove, pursuant to N.J.S.A. 40:55D-70c(1) and 50:55D-70c(2).

This approval is subject to the following conditions, which shall, unless otherwise stated, be satisfied prior to the issuance of a zoning permit for the improvements requiring Variance relief.

1. The elevation and floor plan drawings shall be updated to include the required signature lines.

2. The porch shall not be enclosed.

3. 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.

4. This approval is subject to all other approvals required by any governmental agency having jurisdiction over the subject property.

5. 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.

6. 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.

The undersigned does hereby certify that the foregoing is a true copy of the Resolution adopted by the Borough of Mendham Board of Adjustment memorializing the action taken by the Board at its meeting of 4/7/15.

Mr. Sisson made a motion to approve the resolution which was seconded by Mr. Ritger.

ROLL CALL: The result of the roll call was 5 to 0 as follows:

In favor: Palestina, Ritger, Sisson, Smith, Peck
Opposed: None
Abstain: None

The motion carried and the resolution was approved, as written.

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

Mr. Peck requested comments on the following draft resolution memorializing the Board's decision to grant variance relief for construction of an addition:

**BOROUGH OF MENDHAM BOARD OF ADJUSTMENT
RESOLUTION OF MEMORIALIZATION
Decided: April 7, 2015
Memorialized: May 5, 2015**

**IN THE MATTER OF PETER & WENDY PARRINELLO
"C" VARIANCE APPLICATION
BLOCK 903, LOT 6**

WHEREAS, Peter and Wendy Parrinello (hereinafter the "Applicant") applied to the Borough of Mendham Board of Adjustment (hereinafter the "Board") for the grant of a variance pursuant to N.J.S.A. 40:55D-70c (hereinafter the "Variance") by application dated 2/5/15; and

WHEREAS, the application was deemed complete by the Board, and a public hearing was held on 4/7/15; and

WHEREAS, the Board has determined that the Applicant has complied with all land use procedural requirements of Chapter 124 of the Ordinance of the Borough of Mendham, and has complied with the procedural requirements of the Municipal Land Use Law, N.J.S.A. 40:55D-1, et seq., including without limitation, public notice pursuant to N.J.S.A. 40:55D-12; and

WHEREAS, the Board makes the following findings and conclusions, based on the documents, testimony and other evidence comprising the hearing record:

1. The property which is the subject of the application consists of 0.5 acres and is currently developed with a single family residence served by public water and public sewer. The site is located in the 1/2 acre residential zoning district and is partially constrained with freshwater wetlands in the easterly portion of the property.

2. The improvements to the subject property for which the Variance relief is sought comprise construction of a 2 story addition to the existing dwelling which will expand the footprint to the east. A new patio is also proposed on the east side of the addition. Variances are required for encroachment of the proposed second story in the front yard setback, and maximum building coverage as set forth in Section 215, Schedule II.

3. The Applicant has submitted the following documents that depict and/or describe the improvements for which the Variance relief is required:

- Architectural plans prepared by Mendham Design Architects, Mendham, NJ, last revised January 30, 2015, consisting of four (4) sheets

4. In support of the application, the Applicant has submitted the following documents, which are part of the hearing record:

- Board of Adjustment application form and attachments, dated February 5, 2015
- Application checklist
- Certification of Status of Municipal Tax and Sewer Fees, dated January 9, 2015
- Site Inspection Authorization form, dated February 5, 2015
- Survey of property, prepared by Lakeland Surveying, Rockaway, NJ, dated January 23, 2015
- Zoning Officer denial letter, dated November 25, 2014
- Correspondence from Environmental Technology, Inc., dated November 17, 2014
- Photographs

5. The Board's planning and engineering professionals and/or consultants have submitted the following reports concerning their reviews of the application, which are part of the hearing record:

John Hansen, PE, dated 2/17/15

6. Borough officials and/or agencies have submitted the following reports concerning their reviews of the application, which are part of the hearing record:

Fire Official Craig Bellamy, dated 2/10/15

7. In the course of the public hearings, no exhibits were marked as part of the hearing record.

8. In the course of the public hearings, the Applicant was represented themselves, and the Applicant presented the testimony of the following witnesses, which testimony is part of the hearing record:

Dan Encin, Applicant's architect

9. The documentary evidence and the testimony of the Applicant and/or Applicant's witnesses adduced the following facts:

The building coverage will be increased to 2,651 sq. ft., while a maximum of 2,186 sq. ft. is required by the Ordinance. While the building footprint will not extend further into the front yard, the second story addition triggers a variance for the front yard setback. Lot coverage will remain conforming. The design of the addition results in making its bulk less visible, and the overall visual impact is minimal.

10. Based on the hearing record, the Board has made the following findings and conclusions relative to the Variance relief sought by the Applicant:

The visual impact of the addition is minimal and is more than offset by the enhanced appearance of the dwelling.

Therefore, the grant of the Variance is warranted pursuant to N.J.S.A. 40:55D-70c(2), because the benefits of the deviation will substantially outweigh the detriments.

The Board further finds that this relief can be granted without substantial detriment to the public good and that the granting of this relief will not substantially impair the intent and purpose of the zone plan and/or the zoning ordinance.

NOW, THEREFORE, BE IT RESOLVED, that the Board does hereby approve the application and grant the Variance requested by the Applicant, as described hereinabove, pursuant to N.J.S.A. 40:55D-70c(1) and 50:55D-70c(2).

This approval is subject to the following conditions, which shall, unless otherwise stated, be satisfied prior to the issuance of a zoning permit for the improvements requiring Variance relief.

1. The limit of land disturbance and grading shall be added to the plan.

2. 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.

3. A sewer approval shall be obtained from the Borough Council.

4. 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.

5. Prior to the issuance of a Certificate of Occupancy, all improvements must be completed as per the approved plans.

6. 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.

7. This approval is subject to all other approvals required by any governmental agency having jurisdiction over the subject property.

8. 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.

9. 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.

The undersigned does hereby certify that the foregoing is a true copy of the Resolution adopted by the Borough of Mendham Board of Adjustment memorializing the action taken by the Board at its meeting of 4/7/15.

Mr. Smith made a motion to approve the resolution which was seconded by Mr. Palestina.

ROLL CALL: The result of the roll call was 5 to 0 as follows:

In favor: Palestina, Ritger, Sisson, Smith, Peck
Opposed: None
Abstain: None

The motion carried and the resolution was approved, as written.

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: Resolution

Mr. Peck requested comments on the following draft resolution memorializing the Board's decision to grant variance relief for construction of an addition:

**BOROUGH OF MENDHAM BOARD OF ADJUSTMENT
RESOLUTION OF MEMORIALIZATION
Decided: April 7, 2015
Memorialized: May 5, 2015**

**IN THE MATTER OF HIGHMARK PROPERTIES TWO, LLC
"C" VARIANCE APPLICATION
BLOCK 601, LOT 17**

WHEREAS, Highmark Properties Two, LLC (hereinafter the "Applicant") applied to the Borough of Mendham Board of Adjustment (hereinafter the "Board") for the grant of variances pursuant to N.J.S.A. 40:55D-70c (hereinafter the "Variance") by application dated 2/3/15; and

WHEREAS, the application was deemed complete by the Board, and a public hearing was held on 4/7/15; and

WHEREAS, the Board has determined that the Applicant has complied with all land use procedural requirements of Chapter 124 of the Ordinance of the Borough of Mendham, and has complied with the procedural requirements of the Municipal Land Use Law, N.J.S.A. 40:55D-1, et seq., including without limitation, public notice pursuant to N.J.S.A. 40:55D-12; and

WHEREAS, the Board makes the following findings and conclusions, based on the documents, testimony and other evidence comprising the hearing record:

1. The property which is the subject of the application consists of 0.18 acres and is currently developed with a single family residence served by public water and public sewer. The site is located in the ¼ acre residential zoning district.

2. The improvements to the subject property for which the Variance relief is sought comprise enlargement of the existing dwelling. Variances are required for the front yard setback, building coverage and lot coverage as set forth in Section 215, Schedule I and II, and in Section 215-31.1H(1).

3. The Applicant has submitted the following documents that depict and/or describe the improvements for which the Variance relief is required:

- Architectural plans, prepared by Thomas Baio Architect P.C., dated January 28, 2015, consisting on nine sheets

4. In support of the application, the Applicant has submitted the following documents, which are part of the hearing record:

- Board of Adjustment application form and attachments, dated February 3, 2015
- Site Inspection Authorization form, dated February 5, 2015
- Zoning Officer Denial letter, dated October 7, 2014
- Historic Preservation Commission letter, dated November 5, 2014
- Boundary Location Survey, prepared by Richard Hudson, Morristown, NJ, dated 12/11/2014
- Current Tax certification

5. The Board's planning and engineering professionals and/or consultants have submitted the following reports concerning their reviews of the application, which are part of the hearing record:

John Hansen, PE, dated 3/11/15 and 4/6/15

6. Borough officials and/or agencies have submitted the following reports concerning their reviews of the application, which are part of the hearing record:

Historic Preservation Commission (HPC),
dated 11/5/14
Craig Bellamy, Fire Official, dated 3/18/15

7. In the course of the public hearings, no exhibits were marked as part of the hearing record.

8. In the course of the public hearings, the Applicant was represented by Elaine Harris, Esq., and the Applicant presented the testimony of the following witnesses, which testimony is part of the hearing record:

Michael Davis, Applicant's contractor

9. The documentary evidence and the testimony of the Applicant and/or Applicant's witnesses adduced the following facts:

The subject property has pre-existing non-conformities as to lot size (8,045 sq. ft. vs. 10,890 sq. ft. required), frontyard (11.88 ft. vs. 30 ft. required), building coverage (21.2% vs. 18% required), and lot coverage (39.6% vs. 30% required). The proposed addition will increase the frontyard nonconformity by adding building mass to the second floor. Building coverage will be increased to 22.4% (additional 92.5 sq. ft.), and lot coverage will be increased to 41.3% (additional 139.4 sq. ft.). Most of the expansion of the building footprint will face the municipal driveway to the southeast, thereby limiting the visual impact. The HPC found the

proposed addition to be compatible with the character of the neighborhood and the Historic District.

10. Based on the hearing record, the Board has made the following findings and conclusions relative to the Variance relief sought by the Applicant:

The Board finds that the requested variance relief is justified by the hardship associated with the subject property's pre-existing non-conformities. By reason of these non-conformities, the strict application of the Ordinance requirements would result in peculiar and exceptional difficulties to, and impose exceptional and undue hardship upon the Applicant. Therefore, the grant of the Variance is warranted pursuant to N.J.S.A. 40:55D-70c(1) so as to relieve such difficulties and hardship.

The detriments associated with the deviation are considered minimal because the increases in building and lot coverage are small and do not significantly affect the view of the property from Orchard Street.

The Board further finds that this relief can be granted without substantial detriment to the public good and that the granting of this relief will not substantially impair the intent and purpose of the zone plan and/or the zoning ordinance.

NOW, THEREFORE, BE IT RESOLVED, that the Board does hereby approve the application and grant the Variance requested by the Applicant, as described hereinabove, pursuant to N.J.S.A. 40:55D-70c(1).

This approval is subject to the following conditions, which shall, unless otherwise stated, be satisfied prior to the issuance of a zoning permit for the improvements requiring Variance relief.

1. 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.

2. Revised plans shall eliminate flood lights in front of the dwelling and replace them with decorative lanterns.

3. 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.

4. Applicant shall obtain the approval of the sewer by the Governing Body.

5. 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 that explains how and where each condition of the resolution has been addressed.

6. 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.

7. This approval is subject to all other approvals required by any governmental agency having jurisdiction over the subject property.

8. 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.

9. 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.

The undersigned does hereby certify that the foregoing is a true copy of the Resolution adopted by the Borough of Mendham Board of Adjustment memorializing the action taken by the Board at its meeting of 4/7/15.

Mr. Palestina made a motion to approve the resolution which was seconded by Mr. Sisson.

ROLL CALL: The result of the roll call was 5 to 0 as follows:

In favor: Palestina, Ritger, Sisson, Smith, Peck
Opposed: None
Abstain: None

The motion carried and the resolution was approved, as written.

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OTHER BUSINESS

Mr. Peck announced that Ms. Callahan, Alternate I, has resigned from the Board.

ADJOURNMENT

There being no additional business to come before the Board, Mr. Palestina made a motion to adjourn which was seconded by Mr. Sisson. On a voice vote, all were in favor.

Mr. Seavey adjourned the meeting at 7:45PM.

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

Respectfully submitted,

Margot G. Kaye

Margot G. Kaye
Board Secretary