

**MINUTES OF THE
MENDHAM BOROUGH BOARD OF ADJUSTMENT
September 4, 2014**

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 7:33PM at the Garabrant Center, 4 Wilson Street, Mendham, NJ.

OPENING STATEMENT

Notice of this meeting was published in the *Observer Tribune* on January 23, 2014 and in the *Daily Record* on January 17, 2014 and was posted on the bulletin board in the Phoenix House in accordance with the Open Public Meetings Act, and furnished to all those who have requested individual notice and have paid the required fee.

ROLL CALL

Mr. Palestina - Present
Mr. Peralta - Absent
Mr. Ritger - Present
Mr. Schumacher - Present

Mr. Smith - Present
Mr. Peck - Absent
Mr. Seavey - Present

Alternates:

Mr. McCarthy, Alternate I - Absent

Also Present:

Mr. Germinario, Board Attorney
Mr. Ferriero, Board Engineer
Ms. Kaye, Board Secretary

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MINUTES

Mr. Seavey made a motion to approve the minutes of the regular meeting of August 5, 2014, which was seconded by Mr. Smith. On a voice vote, all were in favor and the minutes 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

#04-14 Dewey, Ryan & Genero, Christa - 95 Pleasant Valley Road, Block 2201, Lot 19.02 - Application for variance relief to allow 8' deer fencing where 4' & 6' are allowed:
Carried to October 7, 2014

Mr. Seavey announced that the Applicant requested the hearing be carried to the October 7, 2014 meeting and that no further notice is required.

#02-14 DeAngelo, George - 59 West Main Street, Block 302, Lot 4 - Application for variance relief for front yard setback, impervious coverage and expansion of a non-conforming use: **Hearing, cont.**

Present: George DeAngelo, Applicant
Steven Schepis, Attorney for Applicant
Floyd Stephenson, Architect for Applicant

Mr. Schepis explained the revisions that had been made to page A1.01 of the submitted plans. Specifically, a parking plan was added to delineate four (4) parking spaces and the Main Street driveway was removed in order to reduce impervious coverage and to alleviate a potential safety hazard, i.e., vehicles backing out from the premises onto West Main Street. Mr. Schepis indicated that the survey showing the 25' right-of-way to the County has been signed and sealed by a licensed surveyor as well.

Mr. Stephenson highlighted the August 19, 2014 revisions of page A1.01 and entered it into the record as Exhibit A-8. A concrete pad was added for any future central air conditioning installation and 6' plantings or fencing has been denoted as screening between the parking area and the easterly neighbor. (Applicant was advised that fencing will require a separate building permit.) A walkway was also added on the east side of the house as well as from the front door to the Lake Road sidewalk. Mr. Stephenson adjusted the calculations for the proposed design (35.6% or 1,645 sq.ft. of total lot coverage) and agreed to revise the plan to include the decorative stone area along the west side of the house. He further confirmed that drainage will flow west and north and not east toward the neighboring property, i.e., drainage will remain on the property and be pitched to the rear seeded area. The Board agreed that the existing non-conforming shed may remain in its current location.

Mr. Schepis addressed items no. 1-9 in the Board Engineer's technical review memorandum dated August 29, 2014 and agreed to each as a condition of approval. For item no.3, the Board granted Applicant's request to work with the Borough Engineer to develop an appropriate stormwater plan should the increase in impervious coverage exceed 1,000 sq.ft. beyond the pre-existing lot coverage (as of May 11, 2012). For item no. 6, Mr. Stephenson indicated that the parking area will be striped to delineate four (4) spaces. For item no. 7, sewer allocation approval was granted by the Borough Council and the 20% reservation fee was paid. Applicant was notified that should he not go forward with the project, the 20% fee is non-refundable. Applicant was further advised that in order to receive a building permit, the remaining balance of the allocation fee must be paid in full.

A lengthy discussion followed regarding impervious coverage during which the Board offered a number of alternatives to decrease it. Ultimately, Applicant agreed to remove a section of approximately 120 sq.ft. of macadam adjacent to the dwelling on Lake Road which further reduces the lot coverage to 34.4%. It was also agreed that the curb cuts on West Main Street and Lake Road that will no longer be utilized will be filled in and grass planted between the curb and sidewalk.

It was agreed by the Board and Applicant that should the Applicant receive approval and then decide not to complete the project, Applicant must work with the Zoning Officer to remove existing lot coverage that is in excess of what is set forth in the May 11, 2012 survey (Exhibit A-4) which represents the state of the property when purchased by the Applicant.

Mr. Schepis thanked the Board for taking the time to consider the application thoroughly and giving the Applicant an opportunity to explore various options with regard to the property. He reiterated that the improvements to the property will positively affect the Borough streetscape and further the purposes of the Municipal Land Use Law.

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

Mr. Seavey set forth the following conditions for approval:

- 1) HPC recommendations must be included on final design
 - i) HardiePlank siding
 - ii) Shutters that are ½ the width of the windows or 3½" HardiePlank casing in lieu of shutters
 - iii) SDL windows
 - iv) Front door with single sidelights
- 2) Conditions set forth in the August 29, 2014 technical review memorandum must be satisfied
- 3) Unused curb cuts on Main Street and Lake Road must be raised
- 4) Aprons between sidewalk and curb must be removed and seeded
- 5) Shed may remain as an existing non-conforming accessory structure
- 6) Screening for parking area may be plantings or a fence, however, fencing will require a building permit from the Borough
- 7) Construction access is on Lake Road only
- 8) If Applicant does not begin the project within a year of memorialization, the current lot coverage in excess of the amount shown on the May 11, 2012 survey must be removed, unless the property is sold within the same timeframe.

Mr. Seavey made a motion to approve the application as described, subject to the above conditions, for memorialization at the next meeting. The motion was seconded by Mr. Smith.

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

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| In favor: | Palestina, Ritger, Schumacher, Smith, Seavey |
| Opposed: | None |
| Abstain: | None |

The motion carried and the application was approved.

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OTHER BUSINESS

Outdoor Dining – The Board reviewed correspondence dated August 12, 2014 from the Mendham Borough Historical Society (MBHS) to the Planning Board which sets forth the MBHS' position against outdoor dining as a permitted use in the Borough. It was agreed that the Board of Adjustment supports the Planning Board's consideration of outdoor dining and will prepare a memorandum setting forth the BOA's recommendations.

Cell Tower – Mr. Germinario reported that a date for oral argument has not been set but is expected to be late 2014/early 2015.

ADJOURNMENT

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

Mr. Seavey adjourned the meeting at 9:14PM.

The next regular scheduled meeting of the Board will be held on **Tuesday, October 7, 2014 at 7:30PM** at the Garabrant Center, 4 Wilson Street, Mendham, NJ.

Respectfully submitted,

Margot G. Kaye

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Board Secretary