

**MINUTES OF THE
MENDHAM BOROUGH BOARD OF ADJUSTMENT
REGULAR MEETING
March 6, 2018**

Phoenix House, 2 West Main Street, Mendham, NJ

CALL TO ORDER

The regular meeting of the Mendham Borough Board of Adjustment was called to order by Mr. Seavey, at 7:30PM at the Phoenix House, 2 West Main Street, Mendham, NJ.

OPENING STATEMENT

Notice of this meeting was published in the *Observer Tribune* and in the *Daily Record* on February 15, 2018 in accordance with the Open Public Meetings Act and the location change was posted on the bulletin board of the Phoenix House as well as the door of the Garabrant Center.

ROLL CALL

Mr. Palestina - Absent
Mr. Reilly – Present
Mr. Seavey – Present
Mr. Smith - Present

Mr. Peralta – Present
Mr. Ritger – Present
Mr. Sisson – Present

Alternate:

Ms. Cass, Alternate I- Absent

Also Present:

Mr. Thomas Germanario, Borough Attorney
Mr. Paul Ferriero, Borough Engineer

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MINUTES

Mr. Seavey asked for comments on the minutes of the regular and reorganizational meeting of February 6, 2018. There being none, Mr. Ritger made a motion to approve the minutes as written and Mr. Seavey seconded. On a voice vote the motion carried.

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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 #1-18 Robert & Amanda Murray
127 Hardscrabble Road
Block 2401, Lot 28
Bulk Variance – Front Yard Setback

Present: Mr. Robert Murray, Applicant
Mr. Dan Encin, Architect

Mr. Ferriero stated that he had no objections to the requested waivers and he recommended that the Board deem the application complete. Mr. Seavey made a motion to approve the application for completeness with the requested waivers, and Mr. Peralta seconded.

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

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

The motion carried.

Mr. Encin and Mr. Murray were sworn. Mr. Murray explained that they wanted to extend the size of their deck. However due to the small size of their lot, slightly over half an acre in a five acre zone, they needed a variance. Mr. Encin explained that the applicant wants to improve the character of the house with external upgrades, like new siding and a deck with pergola. He mentioned that the lot is irregularly shaped and the home is a pre-existing nonconformity, and even nothing is being modified to the front of the home, a front yard variance is needed due to the house's location on the property. He mentioned that the existing lot coverage already exceeds the permitted lot coverage because of a retaining wall and gravel driveway, and they are proposing to increase the lot coverage by 306 square feet.

The Board asked numerous questions pertaining to the design of the pergola, the lot coverage, and leader discharge from the gutters. Mr. Ferriero suggested re-orientating the back-corner gutter so it doesn't discharge onto the deck. Mr. Ferriero also mentioned that the deck would be built over the septic tank and needs Board of Health approval as a result. Mr. Encin agreed, and stated that a hinged access gate is proposed for access to the septic tank.

Mr. Seavey opened the meeting up to questions from the public, and Mr. Dunn, the resident of the southerly adjacent lot to the Murray's, felt the deck expansion would be imposing from their line of sight. Mr. Seavey asked the applicant about landscaping plans and Mr. Murray said that they had intended to do landscaping. Mr. Peralta asked about the materials being used for the deck and upgrades to the home and Mr. Encin explained that it would be azek trim with cedar impressions vinyl siding, wood aluminum windows and a standing seam metal roof. Mr. Ritger asked the applicant about lighting, and although nothing concrete had been discussed, Mr. Encin replied that it would be all low voltage lights and no floodlights.

Mr. Seavey recommended that the plans specify evergreen plantings and low voltage lighting. Mr. Ferriero recommended a 30 foot row of 6' – 8' high evergreens be planted along the sight line from Lot 13.

Mr. Seavey made a motion to approve the application with conditions, and Mr. Sisson seconded.

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

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

The motion carried.

BOA #3-18 Brett and Jamie Ressler
 73 Mountain Ave
 Block 901, Lot 1
 Bulk Variance – Setbacks and Height

Present: Mr. and Mrs. Ressler, Applicant
 Mr. Dan Encin, Architect

Mr. Ferriero stated that he had no objections to the requested waivers for completeness purposes. Mr. Seavey made a motion to approve the application for completeness with the requested waivers, and Mr. Smith seconded.

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

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

The motion carried.

Mr. Encin and Mr. and Mrs. Ressler were sworn. Mr. Ressler explained that they have lived at their residence for five years and loved living in Mendham Borough, but they needed more room in anticipation of expanding their family. Mr. Encin submitted modified Site Plan A1 and A2, marked as exhibits A1 and A2 respectively, reflecting adjustments to the prior plans submitted per the Borough engineer’s comments. On page A1 Mr. Encin incorporated the new air conditioner / generator unit in the lot coverage calculation as well as in the left side yard setback. He also added the distance from the proposed new covered front entry to the front property line, which was reflected in the front yard setback calculation. On page A2, Mr. Encin commented that the room next to the existing master bedroom would be a sitting room, not a bedroom as previously noted, for a total of four bedrooms in the house.

Mr. Encin explained that the lot is odd shaped and the whole house sits outside of the required setbacks for a one-acre zone. He stated that the applicant is looking to add a second-floor addition, with a new gable roof in character with the neighborhood, and a single-story addition to the right side of the home for a kitchen. He mentioned they filed for a general permit #18 due to existing wetlands.

Mr. Ferriero questioned the structural stability of the home and Mr. Encin explained that it didn’t appear to be compromised, and there were no plans to tear down the whole home. Mr. Sisson asked about lighting, especially along the right side of the home. Mrs. Ressler explained that there are big evergreens along the right property line, and the neighbors garage will be facing their kitchen addition. A few members asked about the height of the home, and Mr. Encin replied that it was proposed to be 35.5’ high which is a half foot over the permitted height.

Mr. Seavey made a motion to approve the application with revisions, and Mr. Ritger seconded.

ROLL CALL: The result of the roll call was 5 to 1 as follows:

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

The motion carried.

BOA #2-18 Simple Coffee Mendham, LLC
 15 West Main Street
 Block 301, Lot 39
 SPW – Expansion

Present: Mr. David Walters Applicant
 Mr. Tom Malman, Attorney

Mr. Ferriero stated that he had no objections to the requested waivers for completeness purposes. Mr. Seavey made a motion to approve the application for completeness with the requested waivers, and Mr. Sisson seconded.

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

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

The motion carried.

Mr. Malman explained that the applicant is proposing an internal shift with no external changes. He mentioned that they are not changing their operations, just adding three small tables and relocating an ADA compliant bathroom for better accessibility.

Mr. Germanario reminded the Board about the approval their approval of the townhouses at this location in 2016, and the Board discussed the parking requirement at this location. Mr. Malman asked if the county application could be waived as it was recently approved with the last application.

Mr. Seavey made a motion to approve the application as submitted, and Mr. Peralta seconded.

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

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

The motion carried.

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ADJOURNMENT

There being no additional business to come before the Board, Mr. Seavey made a motion to adjourn. On a voice vote, all were in favor. Mr. Seavey adjourned the meeting at 8:50PM.

The next meeting of the Board will be held on Tuesday, April 3, 2018 at 7:30PM at the Garabrant Center, 4 Wilson Street, Mendham, NJ.

Respectfully submitted,

Carolyn Mazucco

Carolyn Mazucco
 Board Secretary