

**MINUTES OF THE  
MENDHAM BOROUGH BOARD OF ADJUSTMENT  
April 5, 2016**

**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 7:30PM 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 28, 2016 in accordance with the Open Public Meetings Act and was posted on the bulletin board of the Phoenix House.

**ROLL CALL**

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

Alternates:	Mr. Reilly, Alternate I – Absent
	Ms. Glassner, Alternate II – Absent

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**MINUTES**

Mr. Seavey made a motion to approve the minutes of the reorganization and regular meeting of March 1, 2016 which was seconded by Mr. Peck. On a voice vote, all eligible voters 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**

**RESOLUTIONS**

**BOA # 10-15**

**Stillwell and Sandford**, Block 601, Lot 17  
2<sup>nd</sup> Floor Addition, Bulk Variance

**BOROUGH OF MENDHAM BOARD OF ADJUSTMENT**

**RESOLUTION OF MEMORIALIZATION**

**Decided: March 1, 2016**  
**Memorialized: April 5, 2016**

**IN THE MATTER OF CHRISTOPHER SANDFORD AND ELIZABETH  
STILWELL  
"C" VARIANCE APPLICATION  
BLOCK 601, LOT 17**

**WHEREAS**, Christopher Sandford and Elizabeth Stilwell (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 12/23/15; and

**WHEREAS**, the application was deemed complete by the Board, and a public hearing was held on 3/1/16; 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 with a second

story addition. A variance is required for the front yard setback as set forth in Section 215. No increase in the building footprint is proposed. The Board approved a similar second story addition for this dwelling by Resolution dated 5/5/15. The current application involves a smaller addition and does not require variance relief for lot and building coverage, as did the prior approval.

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 Eric Trepkau,  
dated 12/22/15, consisting of 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 12/23/15
- Site Inspection Authorization form, dated 12/15/15
- Zoning Officer Denial letter, dated 12/23/15
- Historic Preservation Commission letter, dated 12/22/15
- Application for Sanitary Sewer Connection, dated 12/21/15
- Boundary Location Survey by Richard S. Hudson, PLS, dated 12/11/14
- 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 1/20/16

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 12/22/15

Craig Bellamy, Fire Official, dated 1/4/16

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 Applicants represented themselves, and the Applicant presented the testimony of the following witnesses, which testimony is part of the hearing record:

Eric Trepkau, architect

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), lot width (65 ft. vs. 80 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 and lot coverage will not be increased. 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 improvements currently proposed are more conforming to the ordinance than those approved in the

previous application of a prior owner (Resolution dated 5/5/15). The additional building mass on the second floor within the frontyard setback will have minimal, if any, visual impact, and the overall effect will enhance the appearance of the dwelling and render it more compatible with neighboring homes.

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. If required, Applicant shall obtain the approval of the sewer by the Governing Body.

2. No floodlights shall be installed on the dwelling.

3. 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.

4. 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.

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

6. 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.

7. 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 3/1/16.

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#### **ADJOURNMENT**

There being no additional business to come before the Board, Mr. Seavey made a motion to adjourn the meeting and on a voice vote, the meeting was adjourned at 7:33pm.

The next meeting of the Board will be held on **Tuesday, May 3, 2016 at 7:30PM** at the Garabrant Center, 4 Wilson Street, Mendham, NJ.

Respectfully submitted,

*Carolyn Mazzucco*

Carolyn Mazzucco  
Board Secretary