

**MINUTES OF THE  
MENDHAM BOROUGH BOARD OF ADJUSTMENT  
REGULAR MEETING  
May 1, 2018**

**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, 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 February 15, 2018 in accordance with the Open Public Meetings Act.

**ROLL CALL**

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

Mr. Peralta - Present  
Mr. Ritger - Present  
Mr. Sisson - Absent

Alternate: Ms. Cass, Alternate I- Absent

Also Present: Mr. Thomas Germanario, Borough Attorney  
Borough Clerk Marlor (who served as Secretary for the meeting)

#####

**Minutes**

Mr. Seavey made a motion and Mr. Ritger seconded for the acceptance of the Minutes as submitted.

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

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

The motion carried.

#####

**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.

#####

**RESOLUTIONS**

**BOA #7-17    George and Julianna Korunovski**  
14 Sterling Avenue  
Block 703, Lot 3  
Bulk Variance - Lot Coverage

Mr. Thomas Germanario, Borough Attorney, reviewed the application and memorialization resolution BOA #7-17. Chairman Seavey asked for comments and hearing none, motioned and Mr. Ritgers seconded the vote.

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

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

The motion carried.

#####

**BOROUGH OF MENDHAM BOARD OF ADJUSTMENT**

**RESOLUTION OF MEMORIALIZATION**

**Decided: April 3, 2018**  
**Memorialized: May 1, 2018**

**IN THE MATTER OF GEORGE AND JULIANNA KORUNOVSKI**  
**"C" VARIANCE APPLICATION**  
**BLOCK 703, LOT 3**

**WHEREAS**, George and Julianna Korunovski (hereinafter the "Applicants") 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 "Variances") by application dated 2/26/18; and

**WHEREAS**, the application was deemed complete by the Board, and a public hearing was held on 4/3/18; 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 20,000 square feet located in the ½ Acre

Residential Zone. The property contains a 2½ single family frame dwelling and associated improvements.

2. The improvements to the subject property for which the Variances are sought comprise a 14' x 30' in-ground swimming pool with a 3' wide surround, a perimeter fence, and associated stormwater facilities. Variances are required for lot coverage and rear and side yard setbacks of an existing shed.

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

- Grading Plan consisting of one (1) sheet, dated 6/6/17 revised through 3/23/18, prepared by David Egarian, P.E.

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

- Board of Adjustment Application, dated 2/26/18, prepared by Julianna Korunovski
- Checklist
- Site Inspection Form, dated 2/6/18, prepared by Julianna Korunovski
- Zoning Officer Denial Letter, dated 10/18/17
- List of requested waivers, dated 8/11/17
- Certificate of Paid Taxes, dated 2/23/18
- Application for sanitary sewer connections, dated 2/26/18
- Affidavit of Publication, dated 3/23/18

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:

Paul Ferriero, PE, dated 3/21/18

6. In the course of the public hearings, the Applicants were represented by Julianna Korunovski, who gave her own testimony, which testimony is part of the hearing record.

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

Julianna Korunovski testified that the rear entry driveway results in exceedance of the allowable lot coverage (existing 4,509 sf vs. 4,330 sf allowed), so that any additional improvements will trigger a lot coverage variance. The 3-foot surround is needed to secure a pool cover. The revised plan proposes a perimeter drain and a 500 gallon dry well to capture runoff from the pool and surround. The Applicant agreed to modify the proposed perimeter drain as required by the Board Engineer and to add a second 500 gallon drywell, interconnected with the first drywell, to receive draw-down pumping from the pool. Regarding the existing shed, Mr. Korunovski testified that relocating the shed would be problematic, and that its visibility is minimal.

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

A variance from Ordinance Section 215-31.1H(2) is required for lot coverage (5,261 sf proposed vs. 4,330 sf permitted) associated with the pool and surround. The Board finds that the existing driveway configuration presents a hardship which precludes further improvements without lot coverage variance relief. Similarly, the existing configuration of the property presents exceptional difficulties in relocating the existing shed, which requires variance relief from Ordinance Section 215-28 (Schedule II) for non-conforming rear yard setback (11.7', proposed vs. 15' required) and side yard setback (7' proposed vs. 15' required).

By reason of the existing configuration of the subject property, the strict application of Ordinance Sections 215-28 and 215-31.1H(2) would result in peculiar and exceptional difficulties to, and impose exceptional and undue hardship upon the Applicants. 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 runoff from the additional impervious coverage associated with the pool and surround will be controlled by the perimeter drain and dry wells. The existing shed is small and not visually obtrusive.

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 Variances requested by the Applicants, 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. The design of the perimeter drain around the pool will be modified as required by the Board Engineer, and the appropriate details will be added to the plan.
2. A second 500 gallon seepage tank will be provided adjacent to the proposed 500 gallon tank and interconnected therewith. The plan shall be revised accordingly.
3. Satisfactory percolation tests will be performed at the location of the seepage tanks prior to issuance of construction permits. If adequate percolation is not demonstrated, the Applicant shall return to the Board for further review of stormwater facilities.
4. Overflows shall be provided on both seepage tanks and details shall be provided on the revised plan.
5. The revised plan shall note that pool water shall be discharged only into the seepage tanks on the property or into a catch basin outside the property.
6. The plan does not show any walkway to the pool patio. If the pool surround exceeds the 3' shown or any walkway is installed, additional variance relief will be required.
7. A lot grading permit is required prior to the issuance of a construction permit.
8. An existing and an as built survey are required prior to a certificate of occupancy.

9. Board approval signature lines shall be added to the plan.

10. 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.

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

12. 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.

13. 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.

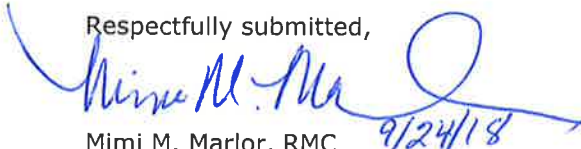
The undersigned does hereby certify that the foregoing is a true copy of the Resolution adopted by the Borough of Mendham Board of Adjustment memorializing the action taken by the Board at its meeting of 4/3/18.

####

**ADJOURNMENT**

There being no additional business to come before the Board, Mr. Seavey made a motion to adjourn at 7:50pm. On a voice vote, all were in favor.

The next meeting of the Board will be held on Tuesday, June 12, 2018 at 7:30PM at the Garabrant Center, 4 Wilson Street, Mendham, NJ.

Respectfully submitted,  
  
Mimi M. Marlor, RMC  
Borough Clerk 9/24/18