

**MINUTES OF THE
MENDHAM BOROUGH BOARD OF ADJUSTMENT
REGULAR MEETING
Tuesday, July 2, 2019
Garabrant Center, 4 Wilson Street, Mendham, NJ**

CALL TO ORDER/FLAG SALUTE

The regular meeting of the Mendham Borough Board of Adjustment was called to order by Chairman Seavey, at 7:30PM at the Garabrant Center, 4 Wilson Street, Mendham, NJ.

OPENING STATEMENT

Notice of this meeting was published in the *Star Ledger* and the *Daily Record* in accordance with the Open Public Meetings Act and was posted on the bulletin board of the Phoenix House.

ROLL CALL

Chairman Seavey – Present	Mr. Dick – Absent
Mr. Palestina - Present	Mr. Smith - Present
Ms. Cass – Present	Mr. Sisson – Absent
Mr. Ritger – Present	

Alternate: Mr. Egerter, Alternate I- Absent
 Alternate II - Vacant

Also present: Mr. Germinario, Esq.

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MINUTES

Chairman Seavey asked for comments on the minutes of the regular meeting of June 11, 2019. Mr. Ritger requested changes to the minutes. Chairman Seavey made a motion to approve the minutes as drafted with amendments and Ms. Cass seconded.

ROLL CALL

In Favor: Chairman Seavey, Mr. Palestina, Mr. Smith, Mr. Ritger, and Ms. Cass
Opposed:
Abstain:

PUBLIC COMMENT

Chairman 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#01-19

Adam Slutsky
16 Emery Ave
Block 704, Lot 9

Mr. Germinario summarized the Slutsky application and the conditions outlined in the resolution. Chairman Seavey made a motion to memorialize the resolution and Mr. Smith seconded.

ROLL CALL: The result of the roll call was 4 to 1 as follows:

In favor: Mr. Smith, Mr. Ritger, Ms. Cass, Chairman Seavey
Opposed: None
Abstentions: Mr. Palestina

The motion carried. The resolution follows.

BOROUGH OF MENDHAM BOARD OF ADJUSTMENT

RESOLUTION OF MEMORIALIZATION

Decided: June 11, 2019

Memorialized: July 2, 2019

**IN THE MATTER OF ADAM AND JANIS SLUTSKY
"C" VARIANCE APPLICATION
BLOCK 704, LOT 9**

WHEREAS, Adam and Janis Slutsky (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 3/5/19; and

WHEREAS, the application was deemed complete by the Board, and a public hearing was held on 6/11/19; 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 26,487 SF (0.608 AC) in the ½ acre residential zone. The property is located at the corner of Emery Avenue and Dean Road and is improved with a single-story frame dwelling with an attached garage.

2. The improvements to the subject property for which the Variance relief is sought comprise a 14' x 20' garage addition, which will result in a reduction of the front yard setback in relation to Dean Road to 38.4', where Ordinance S215-28 requires a minimum 50' setback.

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

- Board of Adjustment Application and Checklist, dated 3/5/19, prepared by Adam Slutsky
- Architectural Plans, consisting of two sheets, dated 3/4/19, prepared by Nicholas Cusano, AIA
- Property Survey, dated 3/24/11, prepared by Christopher A. Melick, PLS
- Site Layout Plan, dated 4/18/19, prepared by Adam H. Slutsky, PE

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

- Owner's Consent to Filing of Application Form
- Site Inspection Form
- Zoning Officer's Denial, dated 5/30/18
- Tax Certification
- Tax Map
- Aerial Photograph

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, CME, dated 4/17/19

6. In the course of the public hearings, the Applicant was represented by Adam Slutsky, and the Applicant testified on his own behalf, which testimony is part of the hearing record.

7. The documentary evidence and the testimony of the Applicant adduced the following facts:

The Applicant wants to add a second bay to the existing attached one-car garage. Because the property is a corner lot, it has two front yards, which results in the need for a front-yard variance. Applicant testified that neighboring properties had similarly non-conforming front yard setbacks.

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

By reason of the corner location of the subject property, the strict application of Ordinance Section 215-28 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 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. The proposed one-car garage addition will result in a setback to Dean Road of 38.4' as shown on the plan. The addition is approved with the size shown on the

architectural plan; however, the allowable setback shall be 38' to allow for de minimus construction deviations.

2. A final as-built survey shall be provided after construction.

3. As shown on the plans, the project is below the threshold for stormwater management improvements and no lot coverage variance is required.

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 6/11/19.

Lisa Smith
Board Secretary

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ADJOURNMENT

There being no additional business to come before the Board, **Motion** was made by Chairman Seavey, seconded by Mr. Smith. On a voice vote, all were in favor. Chairman Seavey adjourned the meeting at 7:45PM.

The next meeting of the Board will be held on **Tuesday, August 6, 2019 at 7:30PM** at the Garabrant Center, 4 Wilson Street, Mendham, NJ.

Respectfully submitted,

Lisa Smith

Lisa Smith
Land Use Coordinator