

**MINUTES OF THE
MENDHAM BOROUGH BOARD OF ADJUSTMENT
August 7, 2012
Garabrant Center, 4 Wilson St., Mendham, NJ**

CALL TO ORDER

The regular meeting of the Board of Adjustment was called to order by Vice Chair Peck at 7:30 p.m. at the Garabrant Center, 4 Wilson Street, Mendham, NJ.

CHAIR'S ADEQUATE NOTICE STATEMENT

Notice of this meeting was published in the Observer Tribune and the Daily Record on January 12, 2012 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 – Present (7:35 p.m.)
Mr. Schumacher – Present
Mr. Seavey – Present (7:35 p.m.)

Mr. Smith – Present
Mr. Ritger, - Present
Mr. McCarthy, Alt I – Absent
Mr. Germinario, Alt II – Present

Also Present:

Mr. Germinario, Esq., Attorney
Mr. Hansen, Engineer
Mr. McGroarty, Planner

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APPROVAL OF MINUTES

Mr. Smith made a motion to approve the minutes of the July 10, 2012 regular meeting of the Board as written. Mr. Palestina seconded. All members being in favor, the minutes were approved.

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PUBLIC COMMENT

Vice Chair Peck opened the meeting to public comment or questions on items that were not on the agenda. There being none, the public comment session was closed.

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COMPLETENESS REVIEW

Duffy, Kevin & Hillary – Hardship Variance
Block 1901, Lot 6, 4 Prospect St. (Historic District)

Present: Kevin Duffy, Applicant

Mr. Hansen reviewed the Ferriero Completeness Letter dated July 19, 2012. He explained the various waivers they were recommending. While there were several, he stated that given the size and scope of the project, it was his opinion that the Board would have enough information on the plans to make a determination. For completeness purposes, the waivers could be granted.

Mr. Smith made a motion to deem the application complete. Mr. Ritger seconded.

ROLL CALL: The result of the roll call was 7 to 0 as follows:

In Favor: Palestina, Peralta, Ritger, Schumacher, Smith, Peck, Germinario
Opposed: None
Abstentions: None

The motion carried. The application was deemed complete.

Mr. Germinario, Esq. announced that he had reviewed the notices, and that the hearing would take place on September 5, 2012 without further notice.

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HEARING OF CASES

Ingersoll, Deborah – Use Variance and Hardship Variances (**Continuation**)
Block 305, Lot 11, 63 West Main St. (Historic District)

Present: Deborah Ingersoll, Applicant
Brent Ingersoll, Applicant
Thomas Malman, Esq., Attorney for the Applicant
Craig Villa, Engineer for the Applicant

Exhibits: A-25: Garage Elevations
A-26: Garage Floor Plan

Mr. Malman, Esq. provided a summary indicating that at the last meeting, the applicant had received approval for the front yard setback associated with the house. At that time they were also seeking a use variance and hardship variances for building and impervious coverage. Since the last meeting, they made significant changes to the plans and are no longer seeking a use variance. They are only seeking a “c” variance for building coverage. The variance for the impervious coverage has also been eliminated. The garage has been made smaller and moved closer to the road. The building coverage relief is requested for approximately 330 sq. ft. over the allowable.

Mr. Villa testified utilizing Sheets 2 & 3 of the revised plans that had been submitted to the Board with his cover letter dated July 16, 2012. He explained that the garage has been reduced from a three to a two car garage. There is no longer office space. The small area above the garage area will be used for a gym. There is a half bath. The garage location has been pulled up and the excess coverage eliminated. The building footprint has been reduced, and they are now over by 336 sq. ft. The garage is 600 sq. ft and it would need to be a one car garage in order to meet the requirement. That is not feasible. The applicant is putting some of their cars, which are currently parked out front, in the garage.

In terms of further details, Mr. Villa stated that a single drywell would be used for the garage roof runoff. If the applicant phases the project, they would like the garage as the first priority. The gravel details have been added to the plans. With the relocation of the garage, a locust tree that was previously identified for removal will be saved. The garage complies with the height and the setback requirements. On balance, the applicant now has a much improved plan.

Responding to Mr. Palestina’s request for clarification on the lot coverage, Mr. Villa stated that the allowable is 9,089 sq. ft. and they are now proposing, 9,011 sq. ft. Mr. Ingersoll added that the original garage that had been demolished was approximately 24 x 24 ft. Addressing Mr. Palestina’s concern on the office use, Mr. Ingersoll stated that they were withdrawing the request for the use, and the employees will be removed. They are securing office space in Summit.

Addressing Mr. Ritger on which elements are included in the impervious coverage calculations, Mr. Villa referred to the listing on the plans. The stone wall that exists is not included in the calculations as the standard does not include those types of features. He estimated that the wall is approximately 100 sq. ft. of coverage.

There being no additional Board questions, Chair Seavey opened the meeting to questions by the public.

Mr. Jim Vollmuth, 52 West Main St. questioned which way the garage doors would face and the impact on the parking. Utilizing his plans, Mr. Villa explained that the entrance to the garage would be on the west side. There will be faux doors that face front. The parking that currently

exists in the front will be reduced to three spaces behind the wall. The total spaces on site including the two in the garage will be five.

There being no additional questions, Chair Seavey closed the public portion.

Mr. Brent Ingersoll presented the new elevations as his architect was on vacation. He entered Exhibits A-25, Elevations and A-26, Floor Plan for the new garage. The plans were the same as were submitted to the Board, with the exception of the color.

Mr. Ingersoll testified that the plans are for a two car garage with a gym upstairs. The front doors are faux doors, and there are two operational doors on the west side. In the rear there is a door that can be used to access the gym or the garage. The height to the ridge of the garage is now 25 ft. and the cupola is 5 ft.

Responding to Mr. Peralta on the comparison of the garage and house height, Mr. Ingersoll stated that the main house is 28.5 ft. and the garage to the ridge is 25 ft. for a 3.5 ft. difference. With the cupola added at 5 ft. there is a 1.5 ft. difference with the cupola higher than the home.

Addressing A-26, the Floor Plan, Mr. Ingersoll explained that there is a two car garage on the first floor and a rear door for access. On the second floor there is the gym, two closets and a powder room. The dimensions of the second floor are 25 ft. x 24 ft. Materials on the outside would be similar to the house including clapboard and wood shakes for the roof.

Chair Seavey opened the meeting to questions by the public. There being none, the public session was closed.

Responding to the Chair on whether the drywell was sufficient, Mr. Hansen stated that he did not have any objection.

In deliberations, Mr. Ritger was much more receptive to size and scope of the project. He commented that it was much more in line where it should be, and that the property should have a garage. He did express concern that the upstairs of the garage could be used as a living or office space. While the Chair expressed his opinion that many houses in Mendham have rooms above the garage, and that the plumbing is permissible, Mr. Palestina noted that in this case they have come to the Board, and there is an overage in building coverage. The scope is of concern to him moving forward as they have previously been over building and lot coverage, and an unapproved business is being run from the home.

Mr. Schumacher expressed his disappointment that it had taken three meetings to get to this plan. He was concerned with the 300 sq. ft., and the fact that the upstairs could be used as an office. Mr. Smith was not as concerned with the 300 ft., but wished that they had come into compliance sooner. He recognized that a one car garage would be out of character, and expressed his disappointment that the business being run had not been stopped. Mr. Malman, Esq. offered agreement to a condition not permitting an office.

Mr. Ingersoll stated that while they were over impervious coverage when the driveway was added, they had received building permits for all the work that they had done. Mrs. Ingersoll stated that they would just like to finish the property.

Mr. Peralta liked the design and the architecture and stated that it enhanced the property. The benefits would outweigh the disadvantages. He was in favor. Mr. Peck was also in favor of the improvements to the property, but expressed his opinion that he would have liked to have seen the changes managed differently over the years.

Chair Seavey agreed and was pleased that there was now less coverage. The cars were hidden and there are less visible parking spaces. Aesthetically, it is in character with Mendham with the main house and a detached building. The building coverage is diminimous. The design is very well done.

Mr. Seavey made a motion to approve the revised plans as submitted. Conditions would exclude the upstairs from an office or bedroom use. The drywell would be included and the construction of the home and the garage could be phased. Mr. Schumacher seconded.

ROLL CALL: The result of the roll call was 7 to 0 as follows:

In Favor: Palestina, Peralta, Ritger, Schumacher, Smith, Peck, Seavey
Opposed: None
Abstentions: None

The motion carried. Mr. Germinario, Esq. will prepare a resolution memorializing the action. He advised that, with the agreement of the applicant's attorney, the Board's approval of the home setback from the July meeting would also be incorporated with the resolution

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Zenjon Enterprises, LLC – Amended Preliminary and Final Site Plan and Variances
Block 1501, Lot 11, 25 East Main St. (Historic District)

Chair announced that this application had been previously carried to the Wednesday, September 5, 2012 meeting of the Board. The possibility of special meeting had been discussed, and the applicant's attorney has presented a date of Wednesday, September 12. After a short discussion on member and professional availability, the Board agreed to a special meeting for September 12. Ms. Callahan will notify the applicant's attorney and make the appropriate notifications.

The Board will have its regularly scheduled meeting on Wednesday, September 5 to address residential applications pending.

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ADJOURNMENT

There being no additional business to come before the Board, on motion duly made, seconded and carried, Chair Seavey adjourned the meeting at 8:30 p.m. The next regular meeting of the Board of Adjustment will be held on Wednesday, September 5, at 7:30 p.m. at the Garabrant Center, 4 Wilson St.

Respectfully submitted,

Diana Callahan
Recording Secretary