

**MINUTES OF THE
MENDHAM BOROUGH BOARD OF ADJUSTMENT
August 4, 2015**

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 7:34PM 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 22, 2015 in accordance with the Open Public Meetings Act and was posted on the bulletin board of the Phoenix House.

ROLL CALL

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

Alternates: Mr. Sisson, Alternate I – Absent

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MINUTES

Mr. Ritger made a motion to approve the minutes of the regular meeting of July 7, 2015, 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

BOA #05-15 – Audi, 26 East Main Street, Block 601, Lot 12 – Amended Site Plan
Parking

**Audi, 29 East Main Street, Block 1501, Lot 13 – Use variance to allow
employee/inventory parking**

The Audi Applicant requested to be carried over to the September 1, 2015 meeting.

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BOA #06-15 – Stroup, James & Lauri – 11 Knollwood Drive, Block 903, Lot 3 –
Variance relief for building coverage to allow single-story
addition

BOROUGH OF MENDHAM BOARD OF ADJUSTMENT

RESOLUTION OF MEMORIALIZATION

**Decided: July 7, 2015
Memorialized: August 4, 2015**

**IN THE MATTER OF JAMES AND LAURI STROUP
“C” VARIANCE APPLICATION
BLOCK 903, LOT 3**

WHEREAS, James and Lauri Stroup (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 3/25/15; and

WHEREAS, the application was deemed complete by the Board, and a public hearing was held on 7/7/15; 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 21,792 sq. ft. developed with a single family 3-bedroom ranch home located in the ½ acre residential zone.

2. The improvements to the subject property for which the Variance relief is sought comprises a single story addition, an expanded deck and a new patio on the rear of the existing dwelling, requiring a variance for building coverage.

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 David Encin, Mendham Design Architect dated 3/20/15, last revised 5/15/15, consisting of four (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 3/25/15
- Site Inspection Authorization form, dated 3/30/15
- Certification of status of municipal tax and sewer fees, dated 3/26/15
- Application for sanitary sewer connection, dated 3/30/15
- Zoning Permit Application, dated 3/27/15
- Zoning Officer Denial letter, dated 3/27/15
- Letter from Tax Assessor Assistant for 200' list
- Tax map Sheets 5 & 9
- Picture of proposed construction area
- Transmittal letter from James Stroup, dated 5/3/15
- Aerial photo from NJDEP website showing approximate wetlands location

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 4/20/15 and 5/26/15

6. Borough officials and/or agencies have submitted the following reports concerning their reviews of the application, which are part of the hearing record:

Craig Bellamy, Fire Official, dated 4/22/15

7. In the course of the public hearing, no exhibits were marked as part of the hearing record.

8. In the course of the public hearing, the Applicant represented himself, and the Applicant presented the testimony of the following witnesses, which testimony is part of the hearing record:

David Encin, architect

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

To provide for an expanded kitchen, a rear single story addition is proposed, displacing a portion of the existing deck. The remainder of the existing deck will be expanded and a new patio added. Lot coverage will be increased by 584 sq. ft. to 4,207 sq. ft. (4,358 sq. ft. allowable). Building coverage will be increased by 337 sq. ft. to 2,674 sq. ft. (2,179 sq.

ft. allowable). Keeping the addition behind the existing structure limits the visual impact. Addition materials will match those of the existing dwelling.

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 variance for building coverage is warranted on the basis of hardship, because any addition to the single story ranch dwelling must expand its footprint.

By reason of the existing ranch home on the subject property, the strict application of Ordinance Section 215, Schedule 1 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 detriments associated with the deviation are considered minimal because the incremental building coverage is minimal and is visually buffered behind the existing dwelling.

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 limit of land disturbance and grading shall be added to the plan. Any soil to be generated by the project shall be graded within the limit of disturbance or removed from the site. The soil cannot be deposited in a state regulated area or graded in a way that will negatively impact the drainage of the subject property and adjacent properties.

2. The project disturbance is located within the state regulated riparian zone (300 feet) of the North Branch of the Raritan River. The Applicant has confirmed that it meets the requirements for a permit-by-rule in accordance with the NJDEP Flood Hazard Control rules, and that he will comply with the applicable notice requirements prior to commencing construction.

3. The appropriate freshwater wetland transition area shall be added to the plan. Compliance with wetlands permit requirements, if any, is the responsibility of the Applicant.

4. Prior to the issuance of a Certificate of Occupancy, all improvements must be completed as per the approved plans.

5. 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.

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

7. 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.

8. 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 7/7/15.

Mr. Seavey made a motion to approve the resolution which was seconded by Mr. Peck.

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

In favor: Peralta, Ritger, Smith, Peck, Seavey
Opposed: None
Abstain: None

The motion carried and the resolution was approved, as written.

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ADJOURNMENT

There being no additional business to come before the Board, Mr. Seavey made a motion to adjourn which was seconded by Mr. Sisson. On a voice vote, all were in favor.

Mr. Seavey adjourned the meeting at 7:39PM.

The next meeting of the Board will be held on **Tuesday, September 1, 2015 at 7:30PM** at the Garabrant Center, 4 Wilson Street, Mendham, NJ.

Respectfully submitted,

Carolyn Mazzucco

Carolyn Mazzucco
Board Secretary