

**TOWNSHIP OF MENDHAM
BOARD OF ADJUSTMENT
MINUTES
March 14, 2019
REGULAR MEETING**

CALL TO ORDER

Ms. Foley called the meeting to order at 7:30 pm.

ADEQUATE NOTICE

“ADEQUATE NOTICE of this meeting of the Board of Adjustment of the Township of Mendham was given as required by the Open Public Meetings Act as follows: notice was given to the DAILY RECORD and the OBSERVER TRIBUNE, notice was posted on the bulletin board in Township Hall, and notice was filed with the Township Clerk on January 11, 2019.”

ROLL CALL

PRESENT Mr. DiGiacomo, Ms. Grant, Mr. Guthrie, Mr. Lordi, Ms. Luciano, Mr. Roghanchi,
Chairman Herbes

ABSENT: Mr. Peruyero, Mr. Zairi

SALUTE TO THE FLAG: Led by Ms. Foley

Chairman Herbes stated that there is a quorum and that all the members present are eligible to vote.

APPROVAL OF MINUTES – FEBRUARY 14, 2019

A motion was made to approve the minutes for the February 14, 2019 meeting, and it was seconded. Upon roll call:

AYES: Mr. DiGiacomo, Ms. Grant, Mr. Guthrie, Mr. Lordi, Ms. Luciano, Mr. Roghanchi,
Chairman Herbes

OLD BUSINESS

Case 3-16

Block 117, Lot 55: 17 Calais Road

APPLICANT: Sal & Jennifer Lombardo

APPLICATION: Additional Extension to Ordinance 12-2009

Chairman Herbes stated that all the members received an update on the Lombardo project and that Ms. Lombardo will be appearing at the next Board of Adjustment meeting. There were no further comments from the Board members.

RESOLUTION

Case 5-17

BLOCK 131.01, LOT 1

APPLICANT: Pitney Property – Township of Mendham

1 Cold Hill road

APPLICATION: Extension of the Variances for an Additional Year

Chairman Herbes stated that this resolution allows for an extension of the variances with regards to the Pitney Farm property application for an additional year.

Chairman Herbes entertained a motion to extend the variances for an additional year. A motion was made by Mr. Roghanchi, and it was seconded by Ms. Luciano. Upon roll call:

AYES: Mr. DiGiacomo, Ms. Grant, Mr. Guthrie, Mr. Lordi, Ms. Luciano, Mr. Roghanchi, Chairman Herbes.

Motion carried.

RESOLUTION

CASE 1-19

Block 127, Lot 75.04

APPLICANT: Frederick V. Martin III

8 Ascot Lane

APPLICATION: Bulk Variance

Chairman Herbes stated that this resolution allows for bulk variance relief in connection with a storage shed at 8 Ascot Lane and asked the Board members for any comments they may have regarding this resolution. Mr. Guthrie inquired as to whether there were any landscaping plans submitted, and Ms. Foley stated that she has not received any plans at this time. Mr. Sposaro stated that this would not be an impediment to adopting the resolution since one of the conditions of approval was that the landscaping plan be submitted and reviewed by the Board engineer and that the landscaping plan must be mutually agreeable with the adjoining property owner, the Garfunkel's. If the matter cannot be resolved, then the applicant must return to the Board for further discussion. Mr. Sposaro clarified that his variance relief expires after one year and that the applicant has 60 days to pay any outstanding fees and costs associated with the application. Mr. Sposaro clarified that the plans could be just a drawing identifying the species of trees and where they will be located and then submitted to the Board engineer. Mr. Sposaro also clarified that if the parties involved all agree to the plans and the work is then done that the Board would not have any liability if the end result was not mutually agreeable. However, this would go back to the engineer who would review the plans for further determination in resolving the matter.

Chairman Herbes entertained a motion to approve the resolution. A motion was made by Mr. Roghanchi, and it was seconded by Mr. DiGiacomo. Upon roll call:

AYES: Mr. DiGiacomo, Ms. Grant, Mr. Guthrie, Mr. Lordi, Ms. Luciano, Mr. Roghanchi, Chairman Herbes

CASES PENDING

CASE 2-19

BLOCK 119, LOT 2

7 Combs Hollow Road

APPLICANT: Edward W. Douglas

APPLICATION: Bulk Variance

Ms. Foley stated that the applicant wishes to be heard at the May 9, 2019 meeting. Mr. Sposaro stated this is a proposal for variance relief for an accessory structure that is forward of the principle structure in relation to their frontage, which is not permitted under the ordinance.

SUCH MATTERS THAT RIGHTFULLY COME BEFORE THE BOARD

Resolution

2019 Annual Report

Mr. Sposaro explained that under the Land Use Act the Board of Adjustment is required to submit a report annually to the Governing Body summarizing cases that came forth before the Board the preceding year and make any recommendations based upon the Boards experience with applications. However, he stated that there were no applications last year so there was nothing to report and that the comments contained in the 2019 Annual Report are comments from previous years, which still need to be addressed by the Governing Body. Ms. Foley clarified that the report is then sent to the Planning Board for their annual review and ultimately submitted to the Governing Body for their consideration. Mr. Sposaro stated that the Board may adopt the resolution, if satisfied.

Ms. Foley clarified for Mr. Roghanchi that the Master Plan Reexamination Report was adopted in December, 2018. Mr. Guthrie, who sat on the Master Plan Reexamination Committee, went on to clarify that the Master Plan Reexamination Committee Report included a recommendation for some studies to be conducted, with one of the studies included in the 2019 budget. Ms. Foley clarified that the Land Use portion and water quality portion of the Master Plan would be further examined. Mr. Guthrie added that there would also be a further study conducted concerning accessory apartments with possibly adding a third type of accessory apartment. Also, with regards to the environmental studies, further examination would be conducted into the Nitrate Dilution Model and water quality. Mr. Guthrie went on to explain that some of the objection for creating more dense housing was the fact that the last environmental report indicated that a Nitrate Dilution Model should be conducted to determine whether more housing density is feasible.

Mr. Sposaro went on to say that an interesting case and decision came out of the Appellate Division (tier below the New Jersey Supreme Court) within the last month. He went on to say that Boards such as this have often granted variance relief for an accessory apartment within the principle structure to be occupied only by immediate family members by those who own the principle residence. The court's determined that this discriminated against the general public and that once a residential unit is created, there cannot be any restrictions superimposed as to who will occupy the unit. Mr. Sposaro opined that an issue such as this will come before the Board at some point and wished the Board to be aware of its current status. It should recognized going forward that by approving a separate residential unit or apartment that the approval runs with the land and not unique to the individual or to the applicant. An accessory apartment could be a unit that has a separate entrance with its own small kitchen, bedroom and bathroom or it could perhaps not have a separate entrance and can be in a basement. They are incidental to the primary residence.

Chairman Herbes entertained a motion to adopt the 2019 Annual Report. A motion was made by Mr. Roghanchi, and it was seconded by Ms. Grant. Upon roll call:

AYES: Mr. DiGiacomo, Ms. Grant, Mr. Guthrie, Mr. Lordi, Ms. Luciano, Mr. Roghanchi, Chairman Herbes

GENERAL CORRESPONDENCE

None

The meeting was duly adjourned at 7:45 pm.

Respectfully submitted,

Beth Foley
Board Secretary