

**TOWNSHIP OF MENDHAM  
BOARD OF ADJUSTMENT  
MEETING MINUTES  
January 12, 2023  
REORGANIZATION & REGULAR MEETING**

**CALL TO ORDER**

Ms. Parrinello called the meeting to order at 7:02 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 both the OBSERVER TRIBUNE and the DAILY RECORD on January 14, 2022. Notice is posted on the bulletin board in the Township offices and notice was filed with the Township Clerk.

**OATHS OF OFFICE**

Mr. Sposaro administered the Oaths of Office to Ms. Brenda Grant as Regular Member, Mr. Nicholas Lordi as Regular Member, Mr. Thomas Murphy as Regular Member, Mr. Arjan Roghanchi as Regular Member, and Mr. Matthew Bell as Alternate 2 Member.

**ROLL CALL**

PRESENT: Ms. Grant, Mr. Kapner, Mr. Lordi, Mr. Murphy, Mr. Roghanchi, Mr. Strafaci, Mr. Bell

ABSENT: Mr. Cadmus, Mr. Wisotsky

**SALUTE TO THE FLAG:** Led by Ms. Parrinello

**CALL FOR NOMINATION OF CHAIRMAN (by Secretary)**

Ms. Parrinello stated that she would open nominations for Chairman of the Board of Adjustment for 2023. Mr. Kapner nominated Mr. Roghanchi and Mr. Lordi seconded the motion. Ms. Parrinello accepted a motion to close nominations. A motion was made, and it was seconded.

**UPON ROLL CALL:**

Ayes: Ms. Grant, Mr. Kapner, Mr. Lordi, Mr. Murphy, Mr. Strafaci, Mr. Bell

Abstain: Mr. Roghanchi

Motion carried.

**CALL FOR NOMINATION OF VICE CHAIRMAN**

Chairman Roghanchi stated that he would accept nominations for roll of Vice Chairman of the Board of Adjustment for 2023. Mr. Roghanchi made a motion to nominate Mr. Kapner, and it was seconded by Mr. Lordi. Mr. Strafaci made a motion close the nominations for Vice Chairman, and it was seconded by Mr. Roghanchi. All agreed.

**UPON ROLL CALL:**

Ayes: Ms. Grant, Mr. Lordi, Mr. Murphy, Mr. Roghanchi, Mr. Strafaci, Mr. Bell

Abstain: Mr. Kapner

Motion carried.

Chairman Roghanchi opened up for discussion the reappointment of the Board's attorney, Mr. Anthony Sposaro. The members agreed that Mr. Sposaro should be reappointed as the Board of Adjustment attorney for 2023. Mr. Roghanchi made a motion to reappoint Mr. Sposaro. Mr. Kapner seconded the motion.

**UPON ROLL CALL**

Ayes: Ms. Grant, Mr. Kapner, Mr. Lordi, Mr. Murphy, Mr. Roghanchi, Mr. Strafaci, Mr. Bell

Abstain: None

Motion carried.

Chairman Roghanchi opened up for discussion the reappointment of the Board's Engineer, Mr. Denis Keenan of French and Parrello, Associates. The members agreed that Mr. Keenan should be reappointed as the Board of Adjustment engineer for 2023.

Chairman Roghanchi opened up for discussion the reappointment of the Board's Planner, Mr. Paul Cancilla of H2M Associates, Inc. The members agreed that Mr. Cancilla should be reappointed as the Board's Planner for 2023.

Mr. Roghanchi made a motion to reappoint Mr. Keenan as Board Engineer and to reappoint Mr. Cancilla as Board Planner. Mr. Strafaci seconded the motion.

**UPON ROLL CALL**

Ayes: Ms. Grant, Mr. Kapner, Mr. Lordi, Mr. Murphy, Mr. Roghanchi, Mr. Strafaci, Mr. Bell

Abstain: None

Motion carried.

**REORGANIZATION RESOLUTIONS**

21-01 - OPEN PUBLIC MEETINGS ACT

21-02 - REGULAR MEETING SCHEDULE

21-03 - REAFFIRMATION OF RULES AND REGULATIONS

Chairman Roghanchi entertained a motion to approve the three Reorganization Resolutions. A motion was made, and it was seconded.

**UPON ROLL CALL:**

Ayes: Ms. Grant, Mr. Kapner, Mr. Lordi, Mr. Murphy, Mr. Roghanchi, Mr. Strafacci, Mr. Bell  
Abstain: None

Motion carried

**MINUTES** – July 14, 2022 Regular Meeting

Chairman Roghanchi made a motion to approved the minutes of the July 14, 2022 Regular Meeting. A motion was made, and it was seconded.

**UPON ROLL CALL:**

Ayes: Mr. Kapner, Chairman Roghanchi

Motion carried.

**NEW BUSINESS**

Case: 1-23

Applicant: Allison and Grant Barratt

7 Roxiticus Road, Block 109 Lot 32

Bulk Variance

Mr. Sposaro swore in Mr. Daniel Encin of Mendham Design and Ms. Allison Barratt and Mr. Grant Barratt, the applicants.

Ms. Barratt explains that the home at 7 Roxiticus Road was formerly the Ralston Grist Mill House and dates back to 1742. The Barratts have owned the home for 10 years and have put a lot of effort into their property during that time. The swimming pool has been upgraded, but the pool house on the property is in disarray and is the last phase to their exterior upgrades.

Mr. Encin explains that because of the age of the property, all structures predate zoning regulations and that any proposed improvement would violate setback requirements. Mr. Encin states that the property is comprised of two front yards and no rear yard and that the area in question, and the pool house structure are towards the rear of the property. Part of what is proposed is to remove the existing cabana structure, which is currently 7.4ft. over the right of way line of Roxiticus Road and to construct a new cabana, 37.4 plus 7.4 ft. from the right of way line of Roxiticus Road. The covered patio would remain in place. The three aspects of the variance include the following:

- a. Required front yard set-back for the cabana.
- b. Minimum distance of 10ft. from one structure to another.
- c. The Raritan River, which runs along the westerly border of the property.

Mr. Encin provides that Mr. David Krueger of Environmental Technology, Inc., concluded, in his report, that this project does not require approval to the Flood Hazard Area Control Act Rules at N.J.A.C. 7:13 and in addition, the project is not within a wetland or wetland transition area.

Mr. Sposara asks Ms. Barratt if there has ever been any flooding in the location of the proposed cabana. Ms. Barratt responds, no.

Mr. Encin addresses the review letter, provided by Mr. Keenen, from French & Parrello, dated October 22, 2022.

Comment 1: Mr. Encin states that the current bathroom is already connected to the septic. The plans are to replace the bathroom and to connect to the current septic system – additional bathrooms are not being added. Mr. Encin states that the applicants will communicate with the Board of Health as necessary.

Comment 2: Mr. Encin addresses the location and configuration of the property, which has previously been discussed at this meeting.

Comment 3: Mr. Encin clarifies that this application addresses the accessory structure – that the proposed cabana is located 37.4 ft. from the right of way line and a setback of 60 ft. is required. In addition, the proposed cabana is 8 ft. from the existing garage and a minimum of 10 ft. is required.

Comment 4: Mr. Encin states that the proposed area of disturbance is approximately 1200 sq. ft. of space. The net gain of impervious is 282 sq. ft. The number of trees to be removed are 6, which are the Norway Spruce. All of these elements are under the threshold that would require a filing for a Lot Development permit.

Comment 5: Mr. Encin explains that the engineering and surveying plan has been provided by Yannaccone, Villa and Aldrich Engineering. Before moving forward with the proposed project, the applicant will have the property line and the topography lines updated.

Comment 6: Mr. Encin confirms that all necessary permits will be applied for.

Mr. Keenen would like clarification on the matter of the removal of the 6 Norway Spruce trees, which are not listed in Mr. Krueger's report. Mr. Keenen requests that Mr. Krueger be made aware that those trees will be removed. Mr. Encin agrees to confirm clarification with Mr. Krueger and upon confirmation will have an updated letter submitted to the Board of Adjustment.

Mr. Encin shared the design views of the cabana project with the Board.

Mr. Lordi asks what the covered area is between the patio and the pool. Mr. Encin states that there is a paved area with a stone border that runs out along the property. The stone fireplace will be removed.

Mr. Sposaro asks what the setback is of the principal structure from Mendham Road. Mr. Encin states that the setback is 12.6 ft. from Mendham Road and the required setback is 60 ft.

Ms. Grant asks if the windows at the basement level of the cabana would be egress sized windows. Mr. Encin states, no, that they would be operable windows to allow air into the space; there would be no escape mechanism from those windows.

Mr. Roghanchi asks if there are any additional questions from the Board.

Mr. Roghanchi makes a motion to approve the application with the following conditions.

- a. Applicant to secure an updated report from Environmental Technology, Inc., confirming that 6 Norway Spruce trees will be removed.
- b. Applicant will reach out to Board of Health with regards to the septic connection to the replaced bathroom.
- c. Applicant to update the design plans to differentiate between the property line and the topography lines.

Mr. Kapner seconds the motion.

**UPON ROLL CALL:**

Ayes: Ms. Grant, Mr. Kapner, Mr. Lordi, Mr. Murphy, Mr. Roghanchi, Mr. Strafaci

**NEW BUSINESS**

Case: 2-23

Applicant: Matthew Leonelli

66 Woodland Road, Block 120 Lot 11

Bulk Variance

Mr. Sposaro swore in Mr. Matthew Leonelli, the applicant.

Mr. Roghanchi would like confirmation that this is a complete application. Mr. Keenan states that this is a complete application. Ms. Parrinello confirms that she is in receipt of current Certification of Taxes Paid.

Mr. Leonelli explains that his family purchased the home at 66 Woodland Road five years ago. Mr. Leonelli states that they have two children and there is very little room for storage, as they do not have an attic or any additional space for wagons, bicycles, household tools and machinery.

Mr. Leonelli is seeking approval for a 30x14 detached garage and asphalt driveway. The proposed garage is planned to be set 5 ft. from the west lot line and 10 ft. from the north lot line. Mr. Leonelli explains that the location of the septic field poses an issue in that the proposed

construction is not in conformance with the required setback distances of a disposal field to a building. A septic disposal field must be 25 ft. from an occupied building; however, the distance may be reduced to 15 ft. if the building is constructed on slab foundation or over a continuous dust cap.

Mr. Roghanchi states that his concerns are the new driveway, the new garage and the limit to lot coverage that is available. Mr. Leonelli replies that the driveway will only be moved, that it's not a new driveway – that he is moving the driveway to make room for the proposed garage.

Mr. Roghanchi addresses the memo from the Board of Health and asks Mr. Sposaro for his guidance. Mr. Sposaro states that the Board of Adjustment does not have the jurisdiction to grant variance relief from health code requirements. While the Board understands the concerns of the applicant, the Board cannot have the authority to override the application given the location of the proposed garage to the septic field.

Members of the Board and Mr. Keenan would be comfortable conferring with the Board of Health prior to approvals from the Board of Adjustment.

Mr. Sposaro would like clarification from the health department before this Board takes action. Additionally, Mr. Sposaro would like to see where the improvements and the septic systems are on the adjoining properties because they could be implicated by the location of Mr. Leonelli's proposed garage.

Mr. Strafacci states that the Board should strongly consider the approval of this application, subject to the further seeking of approval from the Board of Health. Based on the information in front of the Board and the fact that the neighbors are in support of the project, Mr. Strafacci states that if there is an issue with the septic, the Board of Health can handle those matters.

Mr. Bell clarifies that while there is no objection from the applicant's neighbors, the unknown is in the proposed distances of neighboring septic systems, which could potentially lead to future problems based on the location of the applicants proposed garage structure.

Mr. Lordi states that the Board should not set a precedent to approve applications without the approval or knowledge of other ramifications (if there are any) from other departments. It is important that the Board of Health signs-off on this application so that this Board and the applicant know where we are in terms of public safety.

There is considerable discussion among the Board members with regards to the merits of the application.

Mr. Roghanchi recommends the following:

- a. Follow up on total lot coverage calculations in terms of the driveway and the total coverage of the project.

- b. Mr. Sposaro to follow up with the Health Department regarding the septic field distance to the garage.
- c. More information about the screening/fencing around the building.

Mr. Roghanchi asks if there are additional questions of the Board.

Meeting Adjourned: 8:21 pm