

**TOWNSHIP OF MENDHAM
BOARD OF ADJUSTMENT
MEETING MINUTES
JANUARY 11, 2024
REORGANIZATION & REGULAR MEETING**

CALL TO ORDER

Ms. Parrinello called the meeting to order at 7:02 pm.

STATEMENT OF ADEQUATE NOTICE

Adequate Notice of the 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 20, 2023.

OATHS OF OFFICE

Mr. Sposaro administered the Oaths of Office to Ms. Terry Brannin as Alternate 2 Member.

ROLL CALL

PRESENT: Mr. Cadmus, Mr. Kapner, Mr. Lordi, Mr. Wisotski, Mr. Bell, Ms. Brannin

ABSENT: Mr. Grant, Mr. Murphy, Mr. Strafacci

SALUTE TO THE FLAG: Led by Ms. Parrinello

CALL FOR NOMINATION OF CHAIRMAN (by Secretary)

Ms. Parrinello stated that she would open up nominations for Chairman of the Board of Adjustment for 2024. Mr. Cadmus nominated Mr. Kapner and Mr. Bell seconded the motion. Ms. Parrinello accepted a motion to close nominations. A motion was made, and it was seconded.

UPON ROLL CALL:

Ayes: Mr. Cadmus, Mr. Lordi, Mr. Wisotsky, Mr. Bell, Ms. Brannin

Abstain: Mr. Kapner

Motion carried.

CALL FOR NOMINATION OF VICE CHAIRMAN

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

UPON ROLL CALL:

Ayes: Chairman Kapner, Mr. Lordi, Mr. Wisotsky, Mr. Bell, Ms. Brannin

Abstain: Mr. Cadmus

Motion carried.

REORGANIZATION REAPPOINTMENTS

Chairman Kapner 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 2024.

Chairman Kapner 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 2024.

Chairman Kapner opened up for discussion the reappointment of the Board's Planner, Ms. San Chavan of H2M Associates, Inc. The members agreed that Ms. Chavan should be reappointed as the Board's Planner for 2024.

Chairman Lordi made a motion to reappoint Mr. Sposaro as Board Attorney, Mr. Keenan as Board Engineer and Ms. Chavan as Board Planner. The motion was seconded.

UPON ROLL CALL:

Ayes: Mr. Cadmus, Chairman Kapner, Mr. Lordi, Mr. Wisotsky, Mr. Bell, Ms. Brannin

Abstain: None

Motion carried.

REORGANIZATION RESOLUTIONS

24-01 - OPEN PUBLIC MEETINGS ACT

24-02 - REGULAR MEETING SCHEDULE

24-03 - REAFFIRMATION OF RULES AND REGULATIONS

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

UPON ROLL CALL:

Ayes: Mr. Cadmus, Mr. Kapner, Mr. Lordi, Mr. Wisotsky, Mr. Bell, Ms. Brannin

Abstain: None

Motion carried.

MINUTES – December 14, 2023, Regular Meeting

Chairman Kapner entertained a motion to approve the minutes of the December 14, 2023 Regular Meeting. A motion was made, and it was seconded.

VOTE: All aye.

Motion carried.

ADOPTION OF RESOLUTION

Case 8-23

Applicant: Marina Kenigel & Paul Zarou

3 Old Orchard Terrace

Block 127, Lot 119

Regarding the Resolution for Case 8-23, Chairman Kapner asked the Board if there were any questions or comments. There were no questions or comments from the Board.

Mr. Lordi made a motion to adopt the resolution approving the application for Marina Kenigel and Paul Zarou – variance relief to disturb steep slopes in connection with the construction of a single-family dwelling at 3 Old Orchard Terrace. Mr. Bell seconded the motion.

Upon roll call:

AYES: Mr. Cadmus, Chairman Kapner, Mr. Lordi, Mr. Wisotsky, Mr. Bell.

NEW BUSINESS

Case: 10-23

Applicant: Jeff and Colleen Gangl

17 Kennaday Road

Block 145 Lot 13

Bulk Variance

Mr. David Brady, Esq., Brady & Correale, LLP is in attendance and is representing the applicants at 17 Kennaday Road.

Mr. Brady states that 17 Kennaday Road sits on 5.15 acres and is in an R-5 zone. The lot is irregularly shaped. The property consists of a single-family dwelling, patio, one-story framed barn, driveway, septic system, and other site improvements. The applicant is proposing a two-story pool house, a two-story barn, an in-ground pool and spa, outdoor fireplace, pool patio, septic system improvements, and stormwater improvements. Mr. Brady explains that the existing barn is an existing non-conforming building due to the accessory structure location in the

front yard of the primary dwelling. The addition of the second level is a proposed increase of nonconformance and requires a variance to increase the total barn footprint.

Mr. Brady states that a Completeness Waiver is being requested for the interior floor plan of the barn, which illustrates the use and intention of the proposed structure.

Mr. Keenan states that after a brief conversation with the applicant, Mr. Jeff Gangl, he is satisfied with the architectural interior floor plan of the barn structure. Mr. Keenan deems the application complete.

Chairman Kapner entertains a motion to deem the application complete. A motion was made and it was seconded.

VOTE: All aye.

Motion carried.

Mr. Sposaro swore in Mr. Jeff Careaga, Careaga Engineering, Inc.

Mr. Careaga states his qualifications and confirms that his engineering license in the state of New Jersey is current. Mr. Sposaro recommends that Mr. Careaga is deemed qualified as the professional engineer to testify.

Mr. Brady asks that Mr. Careaga address the design plans as well as the site location of the barn, that have been submitted to the Board.

Mr. Careaga states that septic design plans were submitted to the Board of Health last year, and most recently, the firm has submitted variance plans for the pool and the barn to the Board of Adjustment. Mr. Careaga shares with the Board, an arial image (A-1) of the subject property and its neighboring properties. Mr. Careaga points out that several of the surrounding homes have accessory structures located closer to the street than the principal structure.

Mr. Careaga states that the existing barn is 78.9" from Kennaday Road. The proposed barn is located 89.75" from Kennaday Road. Mr. Careaga explains that the rational for keeping the barn in front of the principal structure is to avoid the disturbance of steep slopes and the creation of additional impervious coverage that would be necessary for barn access. Along the perimeter of Kennaday Road and the subject home is a substantial vegetative buffer of trees and shrubbery, which ultimately obscures the view of the front and sides of the property.

Mr. Sposaro points out that the first variance is required because the proposed accessory structure is closer to the street than the principal structure. And, while the improved design plan allows for the reduction of the nonconformity, it increases the size of the accessory structure from a one-story to a two-story barn dwelling, triggering a second variance.

Mr. Brady does not have any further questions for Mr. Careaga.

Chairman Kapner asks if there are any questions from the Board. There are no questions from the Board.

Mr. Sposaro swore in Mr. Jeff Gangl, applicant and homeowner of 17 Kennaday Road.

Mr. Gangl shares with the Board a slide show presentation (A-2).

Mr. Gangl states that he and his wife, Colleen Gangl, purchased the subject home in May 2021. They currently reside in the home with their three children. Mr. Gangl explains that the main reason for moving to Mendham Township was for the space, the preservation of land and the community that they would be joining.

Mr. Gangl states that the existing barn is deteriorating and that it remains empty and unused. Mr. Gangl goes into further detail with the Board, explaining that the pictures in the presentation, illustrate the location of the existing barn, street views from various angles, barn structures of the neighboring properties, and the subject properties proposed new barn structure. Mr. Gangl points out that the elevation of Kennaday Road is below the proposed barn by as much as 8'. Trees and low-lying vegetative brush line the property, allowing for privacy and visual obstruction from the street.

Mr. Kapner asks what direction the front of the existing barn faces. Mr. Gangl states that the front of the existing barn faces the primary dwelling, and the back of the existing barn faces Kennaday Road.

Mr. Gangl states that the neighbors surrounding the subject property are supportive of the proposed project.

Mr. Sposaro asks Mr. Gangl to describe what is being proposed for the new barn. Mr. Gangl explains that through a research process they found a company that is in-line with their own environmental values as well as their creative esthetics. The company is The Barn Yard and is based in Ellington, Connecticut. The company prides itself on being high quality barnyard builders – all their structures are made of post and beam – put together with pegs, not nails. Every beam is precut and preconstructed and retrofitted on top of the slab. The entire barn is pine siding and pine interior. Mr. Gangl intends to use the same company for the pool house.

Mr. Kapner asks what the proposed barn will be used for. Mr. Gangl explains the interior structure. The first level will remain open – for storage of equipment, vehicle (s), agricultural use. The second floor will be comprised of an office for personal use, along with recreational amenities and a full bathroom. The visual representation is entirely open and there is absolutely no intention for the barn to be used as a residence or an apartment. Mr. Gangl states that there will be no kitchen, bedrooms or closets and reiterates that the space will remain completely open.

Mr. Sposaro asks about the bathroom in the barn. Mr. Gangl states that the bathroom will include a toilet, sink, and shower. The barn bathroom is simply for convenience as the barn is more than 300' from the house.

Mr. Cadmus asks if the front door of the proposed barn will continue to face the main residence. Mr. Gangl states that sliding doors will be both on the front and back of the proposed structure.

Mr. Gangl states that the proposed barn will be insulated and there will also be heating, HVAC, water, and electric service. The septic system will be upgraded and increased in size to support the proposed connection.

Chairman Kapner asks if there are any questions of the Board or from the public.

Chairman Kapner entertains a motion to approve the application granting the two variances that have been requested, together with the design waiver, and subject to the conditions that have been identified in the restrictions that the applicant has testified to. Mr. Lordi seconds the motion.

UPON ROLL CALL:

Ayes: Mr. Cadmus, Mr. Kapner, Mr. Lordi, Mr. Wisotski, Mr. Bell, Ms. Brannin.

Mr. Kapner makes a motion to adjourn. Mr. Lordi seconds the motion.

Vote: All aye.

Meeting Adjourned: 8:13 pm