

**TOWNSHIP OF MENDHAM
BOARD OF ADJUSTMENT MEETING MINUTES
JUNE 8, 2023
REGULAR MEETING**

CALL TO ORDER

Ms. Parrinello calls 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 18, 2023.

ROLL CALL

Present: Mr. Cadmus, Ms. Grant, Mr. Kapner, Mr. Lordi, Mr. Murphy, Chairman Roghanchi, Mr. Strafaci, Mr. Wisotsky

Others Present: Mr. Anthony Sposaro, Board Attorney; Ms. Marcie Robison, Engineer, French & Parrello Associates

Absent: Mr. Bell

SALUTE TO THE FLAG: Led by Chairman Roghanchi

DESIGNATION OF VOTING MEMBERS WAS DETERMINED

MINUTES: May 11, 2023 Regular Meeting

Chairman Roghanchi made a motion to accept the May 11, 2023 Meeting Minutes as presented. A motion was made, and it was seconded. All agreed.

ADOPTION OF RESOLUTION

Case: 4-23

Applicant: Sachindatta Dhamane

5 Hope Farm Road, Block 145 Lot 2.01

Bulk Variance

Chairman Roghanchi asks the Board if there are any questions or comments. There are no questions or comments from the Board.

Chairman Roghanchi makes a motion to adopt the resolution approving the application for Sachindatta Dhamane - a variance for setback relief to construct an inground swimming pool at 5 Hope Farm Road, Mendham Township. The motion was seconded.

UPON ROLL CALL:

Ayes: Ms. Grant, Mr. Kapner, Mr. Lordi, Mr. Murphy, Chairman Roghanchi, Mr. Strafacci, Mr. Wisotsky

Abstain: Mr. Cadmus

NEW BUSINESS

Case 5-23

Applicant: Colleen Betzler

5 Woodlawn Terrace

Block 127 Lot 26

Bulk Variance

Mr. Sposaro swears in Mr. Ryan L. Smith, professional engineer.

Mr. Thomas Lenney, Esq. introduces himself and states that he is counsel for the applicant, Colleen Betzler.

Mr. Smith states that the applicant is proposing the construction of an inground swimming pool in the rear yard of their single-family home. Mr. Smith explains that the existing dwelling sits on an undersized lot of 2.485 acres and is located in a R-3 zone district. Because of the lot configuration, the project violates the 50ft. side-yard setback.

Mr. Smith continues that there is an existing brick courtyard that leads up to a terraced flattened rear-yard that's framed by the courtyard wall. There's a second wall, which gives a nice flat area behind the house of about 40ft. deep – this would be the location for the proposed pool. The side-setbacks in this zone are 50ft. The variance that is being requested is for a side yard setback relief; 16.4ft. from the northerly side yard.

Mr. Sposaro questions the maturity of the trees to the north (and the proposed pool location) that are situated on the adjoining lot. Mr. Smith states that one of the trees is mature, and sits above the upper terrace, and is on the adjoining lot. The two smaller trees are above the upper terrace, as well, and are also on the neighboring lot.

Mr. Sposaro asks if there are alternative locations for this pool. Mr. Smith explains that the configuration of this lot, which is narrow and long, makes it difficult to consider any other location outside of the rear yard. This is the best location for the pool, as there will be no adverse impact upon neighboring property owners and there will be very little disturbance to any existing landscape or shrubbery. No trees will be taken down as a result of this project.

Mr. Smith explains that the landscape architect proposes to build a second wall in front of the existing wall to create a waterfall effect and a backing to the pool. A waterfall is being proposed as part of the pool project.

Mr. Roghanchi asks about the existing wall that is partially on the neighboring lot.

Mr. Sposaro swears in Ms. Colleen Betzler.

Ms. Betzler explains that the wall as part of the adjoining property is pre-existing. The Betzler's have been trying to relocate it so that it sits only on their property, however, the neighbors are completely fine as the wall is, in fact pre-existing, and has always been there.

Mr. Roghanchi asks if the wall is only decorative. Mr. Smith states that it's not entirely decorative and explains the foundation and measurements of the wall and how it will ultimately serve a purpose in the design of the proposed pool waterfall.

Mr. Cadmus asks about the septic field that is in the front of the home, and the potential to relocate it. Mr. Cadmus also inquires as to the age of the septic system. Mr. Smith states that the current septic system was constructed in 2016. The thought of relocating the septic field is not being considered, as it would not meet the distance requirements from the well.

Mr. Roghanchi states that the Township Fire Marshall indicates, that if possible one fire hydrant should be installed within 400ft. of the property line. The Board agrees that the installation of a fire hydrant is not warranted.

Mr. Smith asks the Board to kindly consider the addition of a patio (although not depicted on the design plans) to be constructed not in excess of 400 sq. ft. With the construction of the patio the additional impervious coverage will total 1,167 sq. ft. The Board finds that exceeding the threshold of 1,000 sq. ft. by only 167 sq. ft. is de minimis and is not of great concern. The Board agrees that granting a waiver of the requirement to install drywells is appropriate.

Mr. Smith addresses, with the Board, comments provided by Mr. Keenan.

Ms. Marcie Robison affirms that comments provided by Mr. Keenan were discussed with the Board. Ms. Robison states that she is satisfied with the responses and comments that Mr. Smith has shared.

Mr. Roghanchi asks if there are any questions from members of the public or from any members of the Board.

Mr. Roghanchi moves to grant relief subject to the following conditions:

1. A design waiver from the requirement to install drywells or other infiltration systems is granted.
2. Design plans to be revised so that they depict the location of the patio to be constructed not in excess of 400 sq. ft.
3. Applicant is to submit a resolution compliance package to the Board and that is approved by the Board engineer.

4. Applicant must obtain all necessary building permits and inspections required by the Building Department.

Mr. Lordi seconded the motion.

Upon Roll Call:

AYES: Mr. Cadmus, Ms. Grant, Mr. Kapner, Mr. Lordi, Mr. Murphy, Chairman Roghanchi, Mr. Strafaci, Mr. Wisotsky

Motion carried.

The meeting was duly adjourned at 7:44 pm.