

**TOWNSHIP OF MENDHAM
BOARD OF ADJUSTMENT MEETING MINUTES
JULY 13, 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. Bell; Others Present: Mr. Anthony Sposaro, Board Attorney; Mr. Denis Kennan, Engineer, French & Parrello Associates

Absent: Mr. Wisotsky

SALUTE TO THE FLAG: Led by Chairman Roghanchi

DESIGNATION OF VOTING MEMBERS WAS DETERMINED

MINUTES: June 8, 2023 Regular Meeting

Chairman Roghanchi made a motion to accept the June 8, 2023 Meeting Minutes as presented. A motion was made, and it was seconded. All agreed.

ADOPTION OF RESOLUTION

Case: 5-23

Applicant: Colleen Betzler

5 Woodlawn Terrace

Block 127 Lot 26

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 Ms. Colleen Betzler - a variance for setback relief to construct an inground swimming pool at 5 Woodlawn Terrace, Mendham Township. The motion was seconded.

UPON ROLL CALL:

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

NEW BUSINESS

Case 6-23

Applicant: Stefan Holtzberger

4 Thackery Lane

Block 142 Lot 21

Bulk Variance

Mr. Sposaro swore in Mr. William Byrne, Architect; Ms. Jamie Byrne, Architect in Training and Mr. Michael Roth, Professional Engineer.

Mr. Byrne states that the applicant is proposing the construction of a detached garage with a loft above for storage. The current single-family home is of average size, with traditional design and sits on a slab with no basement. The roof pitches are fairly soft and much of the second floor that exists includes cathedral ceilings, which do not offer attic space. There is an existing two-car garage that is attached to the home and is used for cars but also as necessary storage space. The family would like to use the attached garage for its intended purpose and create the detached garage for their overflow storage needs.

Mr. Byrne explains that the proposed detached garage is to be built to the right of the current garage. The proposed structure will be 23ft. front to back, 27ft. wide and 22ft. 5in high. The detached garage will have two entrance doors, two parking bays, an interior staircase and a storage loft on the second level. Because of the grade changes the detached garage will be built into the slope. The exterior of the detached garage will compliment and match the design materials of the existing home.

Mr. Byrne explains that a backup gas generator is proposed as part of the construction plan, however, the generator will provide emergency power service to the home and not to the detached garage. The only utilities to be used in the structure are electricity and gas. There will be no heating, septic system or waterline put in place for the detached garage. Mr. Byrne confirms that the loft and general detached garage structure will not be used for occupancy.

Mr. Roth presents the revised lot grading and variance plan for the proposed addition of a detached garage. Mr. Roth explains that the property at 4 Thackery Lane is approximately 3.03 acres in size and is located in the R-3 residential zone district, where the minimum lot size is three acres. The property contains a single-family dwelling that complies with all building setbacks. Constraints on this site include a 20ft. wide drainage easement that runs through the property and a 15ft. wide drainage easement on the eastern part of the property. Additionally, Walnut Creek runs through the property flowing west to east – ultimately discharging to the east of the driveway to the natural stream that continues to flow to the east.

The 150ft. wetland transition area buffer limits construction of the proposed garage to the rear of the lot.

A letter provided by David C. Krueger of Environmental Technology, Inc., indicates that a Freshwater Wetlands General Permit and a Permit-by-Rule with regards to the Flood Hazard Area Control Act are required.

Mr. Roth states that the proposed construction of the detached garage as well as the installation of a backup generator violates the rear yard setback requirements of 50ft. The proposed garage will be 30.5ft. and the generator will be 30.3ft., from the rear yard, respectively. A variance is required.

In response to comments provided by Mr. Keenan, Mr. Roth shares, with the Board, an Arial Map of the property. Mr. Roth explains that while alternative locations have been considered for the construction of the detached garage, the proposed location is best for the intended improvements.

Mr. Roghanchi asks Mr. Keenan if there is anything else that should be highlighted with regards to the proposed construction of the detached garage. Mr. Keenan states that he has no additional concerns.

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. Roghanchi would like to include, in the Resolution, that the intent of the detached garage is only for additional storage and that it will not become an apartment/living space.

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. To the extent feasible, there will be no operation of heavy equipment in the dripline of existing mature vegetation.
2. The detached garage, including the loft, is to be used only as storage and not living space.
3. Applicant must obtain all the necessary building permits and inspections required by the Building Department.

Mr. Kapner seconded the motion.

Upon Roll Call:

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

Motion carried.

NEW BUSINESS

Case 7-23

Applicant: Shemy 2, LLC

1 Samantha Lane

Block 116 Lot 13

Bulk Variance

Mr. Sposaro swore in Mr. Douglas Asral, Architect and Mr. Patrick Simone, Simone Contracting, LLC.

Mr. John De Massi, Esq. states that he is covering for Jay B. Bohn, Esq., the applicant's attorney.

Mr. De Massi states that the application is for a Bulk 'c' side yard variance. The applicant proposes the construction of a second-floor addition above the existing garage as well as the enlargement of an existing solarium.

Mr. Asral explains that the property at 1 Samantha Lane is 10.92 acres in size and is located in the R-10 residential zone district, where the minimum lot size is ten acres. The side yard setback calculated is 98ft.

Mr. Asral states that the first improvement is a second-floor addition - a nursesey adjacent to the applicant's master bedroom and will be 63.1ft. from the side yard whereas 98ft. is required. The second proposed improvement is to increase the size of the existing solarium, which will be located 89.5ft. from the side yard, whereas the minimum side yard setback is 98ft.

Mr. De Massi asks about the height of the addition. Mr. Asral states that the existing structure is 26ft. high and that the proposed addition will be less at 22ft. 7in high, approximately 3.3ft. below what the existing building height is.

Mr. Roghanchi would like clarification as to why this project requires variance relief. Mr. Sposaro explains that while none of the improvements extend up higher than the existing roof line, side yard setback relief is required because the improvements encroach upon the side yard setback.

Mr. Asral describes the topography of the property and states that the adjacent property is well over 300ft. away. This is a wooded area of which allows for privacy between the two properties. The proposed addition is below the height of the existing structure and there is no visibility of the home from the adjoining property.

Mr. Keenan's Completeness Technical Summary has been reviewed by the Board and the applicant's. Mr. Keenan confirms that most of the items have already been addressed. Mr. De Massi states that the applicant's will comply with Mr. Keenan's report in its entirety.

Mr. Roghanchi would like clarification on Comment 7, regarding the filed map setback, noted in Mr. Keenan's report. Mr. Keenan explains that when the property was originally subdivided it complied with a 50ft. setback. The zoning has since changed so that the property no longer complies and reflects an encroachment on the filed map.

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

Mr. Cadmus would like clarification on ownership of the property. Mr. De Massi states that this property is owned as a trust. Mr. De Massi states that he will disclose and provide Mr. Sposaro with who the individual owners of the property are, beyond what is listed in the trust and/or LLC.

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

1. Applicant to provide calculations for the setback as it relates to the Filed Map Setback.
2. Applicant to provide Mr. Sposaro, the names of the individual owners of the property, in writing and in advance of the final Resolution.
3. Applicant must obtain all the necessary building permits and inspections required by the Building Department.

Mr. Kapner seconded the motion.

Upon Roll Call:

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

The meeting was duly adjourned at 8:16 pm.