

**TOWNSHIP OF MENDHAM
BOARD OF ADJUSTMENT MEETING MINUTES
JUNE 9, 2022
REGULAR MEETING**

CALL TO ORDER

Ms. Parrinello calls the meeting to order at 7:00 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 14, 2022.

ROLL CALL

Present: Mr. Cadmus, Mr. Kapner, Mr. Lordi, Mr. Strafaci, Mr. Witczak, Chairman Roghanchi

Absent: Ms. Grant, Mr. Peruyero, Mr. Zairi

Others Present: Mr. Anthony Sposaro, Board Attorney

SALUTE TO THE FLAG: Led by Chairman Roghanchi

DESIGNATION OF VOTING MEMBERS WAS DETERMINED

MINUTES: May 12, 2022 Regular Meeting

Chairman Roghanchi made a motion to accept the May 12, 2022 Meeting Minutes as presented. A motion was made, and it was seconded. All agreed.

RESOLUTION

Case 2-22

Applicant: Matthew & Jennifer Gilmore

2 Trimmingham Court

Block 145.02, Lot 25

Bulk Variance

Mr. Sposaro swears in Ms. Mary Sadrakula of EverClear Pools & Spas, Mr. Lee Fuchs of EverClear Pools & Spas, Mr. Pericles Stavridis of The Falcon Engineering Group

Chairman Roghanchi states that the applicants were in last month and that in the Public Notice of Hearing, there was an issue in the items that Mr. and Mrs. Gilmore were seeking relief under.

Mr. Stavridis explains that the applicants are seeking to perform improvements to their home at 2 Trimmingham Court, which include the construction of an inground swimming pool

in the rear yard. Additional improvements would incorporate a walkway, deck, drywell, construction to the entrance and impact to grates. The applicants are seeking relief for the following:

- a. Rear yard set-back variance where 5ft. is proposed and 35ft. is required.
- b. Variance for impervious coverage where 32.04% is proposed and 30% is required.
- c. Impacts to steep slopes only in the area of the construction entrance.

Mr. Stavridis continues that an analysis was performed with regards to the slopes and states that the construction access impact is 19% making this project 4% over what is allowed.

Ms. Robison clarifies that the relief required for the steep slope's ordinance is a design waiver and not a variance. Chairman Roghanchi confirms that the variances being sought are for impervious lot coverage and rear yard set-back.

Ms. Sadrakula adds that there are no residents behind the property and so the location will not impact any neighbors. Installing the pool closer to the home would require removing existing pavers and constructing a new sizable wall, both of which create a greater financial burden for the applicant. Moving the pool would not provide much relief as the change in grade and the rear yard set-back would still need to be addressed.

Mr. Cadmus asks if there are any plans for development at the site that is directly behind the proposed 5ft. set-back. Mr. Gilmore explains that that plot of land is owned by the Township and that it's not a site for potential development. To the east of the property is a sewage treatment area.

Chairman Roghanchi asks that Ms. Robison address the Variance Application Checklist. Ms. Robison explains that based on the revised plans, dated May 19, 2022, all of the items on the checklist have been taken care of except for the Tax Collector Certification. Ms. Parrinello will verify that this item has been submitted.

Ms. Robison continues that everything under the Technical Review has been addressed. The applicants will need to complete a lot grading permit, and with that, design calculations are requested for the drywell. It's also recommended that soil testing is provided as a condition of approval – this is under the lot grading permit.

Mr. Kapner asks the applicant about the sewage treatment area (noted on the plans) that covers the applicant's lot and several surrounding lots, and would like to know how or if this will impact the project.

Mr. Sposaro swears in Jennifer Gilmore and Matthew Gilmore.

Mr. Gilmore explains that behind the house there is a pumping station connected to the development's sewage treatment. The surrounding property around the lake is owned by the Township – there is no lot/zoning space.

Mr. Kapner states that a 35ft. set-back is required and asks if there were any other options available to the applicant, outside of the proposed 5ft. set-back. Ms. Gilmore explains that with the 35ft. set-back the pool would sit very close to the home and that the patio would have to be taken out and rebuilt. In addition, because of the slope, a retaining wall would need to be constructed. Mr. Kapner asks about the possibility of a 15ft. set-back. The Gilmore's state that there's an older tree in the yard that would be affected with a 15ft. set-back. All measures to protect the tree are being taken into consideration - the work is completely outside of the tree canopy and outside of the drip line.

Chairman Roghanchi asks what is going to be 5ft. from the lot? Mr. Stavridis states that it will be a brick and paver patio - a 5ft. patio that is 5ft. from the line with another 5ft. from the pool. Mr. Gilmore states that there is a fence with vegetation in the rear yard that will stay, and that because of the vegetation along the fence, the view into the backyard is blocked. Chairman Roghanchi calls on Mr. Sposaro for his thoughts on a pool this close to a lot in this area. Mr. Sposaro states that this application is unique because the Township owns the surrounding property and that there's a sewage treatment plant behind the property. The likelihood that the property behind the home would ever be developed is non-existent. As far as impact, there's not enough room on the applicant's property to create a vegetative buffer, however, based on testimony and shown in the arial photograph, provided on page one of the design plans, it appears that there's a substantive vegetative buffer on the Township property that effectively blocks the view from Tempe Wick Road.

Mr. Lordi asks what will be placed in the 5ft. gap between the pavers and the fence. Ms. Gilmore states that grass will be placed in that gap. Mr. Lordi suggests stone be put in place, as it can be better to manage.

Mr. Sposaro comments that the excessive disturbance of slopes that are steeper would be a reason to grant variance relief and although the applicant is proposing disturbance in excess of what is permitted by the ordinance, there is a substantial drywell that is proposed - all the impervious that is around the pool area is routed to that drywell resulting in better drainage and stormwater management than what exists now.

Mr. Cadmus asks what substance might be used in lieu of grass and how it will impact the calculation of the impervious coverage. Mr. Fuchs states that it will likely be a river rock, decorative gravel; not impervious coverage.

Chairman Roghanchi entertains a resolution to grant the relief subject to the slope permits and also subject to any requirement that the applicant seek permission from the Township, if they have to access the lot. In addition, if anything is disturbed by a truck or any other necessary construction, it's to be replaced. Mr. Kapner seconds the motion.

Upon roll call:

AYES: Mr. Cadmus, Mr. Kapner, Mr. Lordi, Mr. Strafacci, Mr. Witczak, Chairman Roghanchi

Chairman Roghanchi entertained a motion to adjourn. A motion was made, and it was seconded. All agreed.

The meeting was duly adjourned at 7:43 pm.