

**MINUTES OF THE
MENDHAM BOROUGH BOARD OF ADJUSTMENT
REGULAR MEETING
November 9, 2017**

Garabrant Center, 4 Wilson Street, Mendham, NJ

CALL TO ORDER

The regular meeting of the Mendham Borough Board of Adjustment was called to order by Mr. Seavey, Chair, at 7:30PM at the Garabrant Center, 4 Wilson Street, Mendham, NJ.

OPENING STATEMENT

Notice of this meeting was published in the *Observer Tribune* and in the *Daily Record* on January 12, 2017 in accordance with the Open Public Meetings Act and was posted on the bulletin board of the Phoenix House.

ROLL CALL

Mr. Palestina - Present	Mr. Peralta – Present
Mr. Reilly – Present	Mr. Ritger – Absent
Mr. Seavey – Present	Mr. Sisson – Present
Mr. Smith - Present	

Alternate: Ms. Cass, Alternate I- Present

Also Present: Mr. Thomas Germanario, Borough Attorney
Mr. John Hansen, Borough Engineer

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MINUTES

Mr. Seavey asked for comments on the minutes of the regular meeting of September 12, 2017. There being none, Mr. Seavey made a motion to approve the minutes, and Mr. Palestina seconded. On a voice vote the minutes were approved by the Board.

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PUBLIC COMMENT

Mr. Seavey opened the meeting for public comment on anything not on the agenda. There being none the public comment session was closed.

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APPLICATIONS

BOA #8-17	Brett and Patricia Comstock
	6 Bockoven Road
	Block 801, Lot 20
	Bulk Variance: Front Yard Setback, Lot Coverage and Building Coverage

Present: Patricia Comstock, Applicant
Dan Encin, Architect

Mr. Germanario noted that the applicant’s public notice was sufficient. Mr. Hansen mentioned that he had no objection to the waivers for completeness purposes. Mr. Seavey made a motion to approve completeness of the application and Mr. Smith seconded.

ROLL CALL: The result of the roll call was 7 to 0 as follows:

In favor: Cass, Palestina, Peralta, Reilly, Sisson, Smith, Seavey
Opposed: None
Abstain: None

Ms. Comstock and Mr. Encin were sworn. Ms. Comstock mentioned that she wanted to improve the curb appeal of her home by adding a covered front porch. Mr. Encin added that the proposed front porch would extend into the setback by approximately four feet, requiring a variance, although it is currently an existing non-conformity already. He added that the objective was to extend into the setback as little as possible but still have a useable area. He mentioned that the applicant has offered to remove 120 square feet of the existing back patio, to offset the impervious coverage added by the front porch addition. As a result, the net change in impervious coverage would be zero, however it is a pre-existing non-conformity. The building coverage would exceed ordinance requirements by 47 square feet, also requiring a variance.

Mr. Peralta asked about lighting on the front porch, and Mr. Encin responded that three lights would be added to the ceiling of the front porch, shining down and not out into the front yard. Mr. Germanario mentioned that the applicant’s hardship is the proximity of the house to the street, and that it would improve the streetscape.

Mr. Burke, a neighbor of the Comstock’s commented that he liked the proposed porch addition, but was concerned about the number of variances on the property and if there would be a limit going forward.

Mr. Reilly asked about the water drainage off the new front porch, and Mr. Encin responded that the water drainage would stay consistent with what is there currently and would flow into the existing system.

Mr. Reilly made a motion to approve the application with conditions, and Mr. Palestina seconded.

ROLL CALL: The result of the roll call was 6 to 0 as follows:

In favor: Cass, Palestina, Reilly, Ritger, Smith, Seavey
Opposed: None
Abstain: Peralta

The motion passed.

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BOA #9-17 Dawn and Brian Nutt
4 Deerfield Rd
Block 201, Lot 28
Bulk Variance – Front Yard Setback

Present: Dawn and Brian Nutt, Applicant
Dan Encin, Architect

Mr. Germanario noted that the applicant’s public notice was sufficient. Mr. Hansen mentioned that he had no objection to the waivers for completeness purposes. Mr. Seavey made a motion to approve completeness of the application and Mr. Smith seconded.

ROLL CALL: The result of the roll call was 7 to 0 as follows:

In favor: Cass, Palestina, Peralta, Reilly, Sisson, Smith, Seavey
Opposed: None
Abstain: None

Ms. Nutt was sworn (Mr. Encin was sworn previously). Ms. Nutt explained that their home is ranch style, and that their family needs more space. She stated that they are proposing a second-floor addition and a small covered front porch so they would visually fit in with the colonial style homes in the neighborhood. Mr. Encin added that the addition does not require a variance but any work in the front of the house does as the front yard setback runs through the center of the house. He stated that the front yard setbacks were changed after most homes in the area were built.

He referred to the site plan exhibits and pointed out that the only part of the front porch that infringes on the existing non-conformity is the portico, and only by 14 inches. He mentioned that the porch is shallow and proposed to increase the curb appeal and aesthetics of the home.

Mr. Hansen inquired about the garage addition, and the applicant responded that there were no plans for paving at this time. The 3rd garage was intended for storage, and at this time they were still not one hundred percent committed to building the garage. Mr. Hansen mentioned that although this property is not close to its impervious coverage limitation, paving to the 3rd garage, if built, might trigger storm-water management regulations.

Mr. Germanario stated that the applicant’s hardship was the pre-existing nonconformity of the house residing forward on the property due to the sanitary sewer easements in the rear of the property. When questioned about their shed location on their property, Mr. Nutt added that the original survey showed the easements in a different location on their property. He mentioned, however, that the shed would be moved if necessary.

Mr. Smith made a motion to approve the application and Mr. Reilly seconded.

ROLL CALL: The result of the roll call was 6 to 0 as follows:

In favor: Cass, Palestina, Reilly, Ritger, Smith, Seavey
Opposed: None
Abstain: Peralta

The motion passed.

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ADJOURNMENT

With no additional business to come before the Board, Mr. Seavey made a motion to adjourn the meeting at 8:22pm. On a voice vote, the meeting was adjourned.

The next meeting of the Board will be held on **Tuesday, December 5, 2017 at 7:30PM** at the Garabrant Center, 4 Wilson Street, Mendham, NJ.

Respectfully submitted,

Carolyn Mazucco

Carolyn Mazucco
Board Secretary