

**MINUTES OF THE
MENDHAM BOROUGH BOARD OF ADJUSTMENT
REGULAR MEETING
Tuesday, May 5, 2020
Garabrant Center, 4 Wilson Street, Mendham, NJ**

CALL TO ORDER/FLAG SALUTE

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

OPENING STATEMENT

Notice of this meeting was published in the *Star Ledger* and the *Daily Record* on in accordance with the Open Public Meetings Act and was posted on the bulletin board of the Phoenix House. The meeting is being conducted electronically, with Notice as required, consistent with the Governor's Emergency Declarations and the guidance issued by the NJ Department of Community Affairs along with limited seating at the Garabrant Center.

ROLL CALL

Chairman Seavey – Present	Mr. Paone– Present
Mr. Palestina - Present	Ms. Cass – Absent
Mr. Smith - Present	Mr. Dick – Present
Mr. Ritger – Present	

Alternate: Mr. Egerter, Alternate I- Present
 Alternate II - Vacant

Also present: Mr. Germinario, Esq.
 Mr. Ferriero, Engineer

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PUBLIC COMMENT

Chairman Seavey opened the meeting to the public for questions and comments on items not included on the agenda. There being none, the public session was closed.

COMPLETENESS:

BOA#02-20
Mahoney (**Pool**)
20 Coventry Rd
Block 1402Lot 8
(Variance)

Present: Nicole M. Magdziak , Esq

Mr. Ferriero summarized his completeness letter dated May 1, 2020. Mr. Ferriero recommends that the application be waived for completeness.

Motion by Chairman Seavey, seconded by Mr. Smith and unanimously carried to deem the application complete.

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

In favor:	Mr. Palestina, Mr. Smith, Mr. Ritger, Mr. Paone, Mr. Dick, Mr. Egerter, and Chairman Seavey
Opposed:	None
Abstentions:	None

The motion carried.

BOA#03-19

Six Main St. Mendham, LLC
 6 East Main St.
 Block 601, Lot 3
(Preliminary & Final Site Plan with (c) and (d) variances)

Tabled until June 2, 2020 meeting no further notice required

RESOLUTION:

BOA #01-20

Ryan Gleason (**Pool**)
 3 Mansfield Ct.
 Block 404, Lot 10
 (Variance)

Mr. Germinario summarized Gleason application and the conditions outlined in the resolution. Chairman Seavey made a motion to memorialize the resolution and Mr. Paone seconded.

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

In favor:	Mr. Palestina, Mr. Smith, Mr. Paone, Mr. Dick, Mr. Egerter, and Chairman Seavey
Opposed:	None
Abstentions:	Mr. Ritger

The motion carried. The resolution follows.

BOROUGH OF MENDHAM BOARD OF ADJUSTMENT

RESOLUTION OF MEMORIALIZATION

Decided: March 3, 2020
Memorialized: May 5, 2020

IN THE MATTER OF RYAN GLEASON
"C" VARIANCE APPLICATION
BLOCK 404, LOT 2
APPLICATION NO. 01-20

WHEREAS, Ryan Gleason (hereinafter the "Applicant") applied to the Borough of Mendham Board of Adjustment (hereinafter the "Board") for the grant of a variance pursuant to N.J.S.A. 40:55D-70c (hereinafter the "Variance") by application dated 1/27/20; and

WHEREAS, the application was deemed complete by the Board, and a public hearing was held on 3/3/20; and

WHEREAS, the Board has determined that the Applicant has complied with all land use procedural requirements of Chapter 124 of the Ordinance of the Borough of Mendham, and has complied with the procedural requirements of the Municipal Land Use Law, N.J.S.A. 40:55D-1, et seq., including without limitation, public notice pursuant to N.J.S.A. 40:55D-12; and

WHEREAS, the Board makes the following findings and conclusions, based on the documents, testimony and other evidence comprising the hearing record:

1. The property which is the subject of the application fronts on Mansfield Court and consists of 22,362 SF (0.513 AC) located in the ½ Acre Residence Zone. The subject property has a 2-story dwelling and associated improvements.

2. The improvements to the subject property for which the Variance relief is sought comprise a swimming pool and deck area, which will increase the existing lot coverage (3,762 SF) by 1,921 SF (to 5,583 SF), which exceeds the maximum permitted (4,472 SF) by 1,111 SF.

3. The Applicant has submitted the following documents that depict and/or describe the improvements for which the Variance relief is required:

Lot Grading Plan, dated 1/3/20, prepared by Robert H. Jordan, PLS and James G. Gleason, PE, revised 2/10/20, consisting of 3 sheets

4. In support of the application, the Applicant has submitted the following documents, which are part of the hearing record:

Board of Adjustment Application and Checklist, dated 1/27/20, prepared by Ryan Gleason
Zoning Officer's Denial Letter, dated 9/23/19
Site Inspection Form, dated 9/29/19
Tax Certification, dated 1/16/20
Sewer Connection Application (waiver request)
Applicant letter, dated 1/27/20

5. The Board's planning and engineering professionals and/or consultants have submitted the following reports concerning their reviews of the application, which are part of the hearing record:

Paul Ferriero, PE, dated 2/8/20

6. In the course of the public hearings, the Applicant represented himself, and the Applicant presented his own testimony and that of his wife, which testimony is part of the hearing record.

7. The documentary evidence and the testimony of the Applicant and/or Applicant's witnesses adduced the following facts:

Since existing development of the lot already close to the lot coverage limit of 4,472 SF, it imposes a hardship on the Applicant. The backyard area is sufficiently large to accommodate the

proposed pool and deck. Drainage will be accommodated by a dry well. Applicant has agreed to remove the brick patio, thereby decreasing lot coverage by 220 SF. There will be no visual impact to neighboring properties, many of which have similarly sized inground pools in their backyards.

8. Based on the hearing record, the Board has made the following findings and conclusions relative to the Variance relief sought by the Applicant:

By reason of the existing development of the subject property, the strict application of Ordinance Section 215-31.1H would result in peculiar and exceptional difficulties to, and impose exceptional and undue hardship upon the Applicant. Therefore, the grant of the Variance is warranted pursuant to N.J.S.A. 40:55D-70c(1) so as to relieve such difficulties and hardship.

The detriments associated with the deviation are considered minimal because the drainage will be accommodated by a dry well and the pool will be adequately screened from neighboring properties.

The Board further finds that this relief can be granted without substantial detriment to the public good and that the granting of this relief will not substantially impair the intent and purpose of the zone plan and/or the zoning ordinance.

NOW, THEREFORE, BE IT RESOLVED, that the Board does hereby approve the application and grant the Variance requested by the Applicant, as described hereinabove, pursuant to N.J.S.A. 40:55D-70c(1).

This approval is subject to the following conditions, which shall, unless otherwise stated, be satisfied prior to the issuance of a zoning permit for the improvements requiring Variance relief.

1. This approval becomes effective as of the decision date of 4/3/20. Applicant may proceed at his own risk with the approved improvements prior to memorialization of this approval by the Board.
2. The brick patio shall be removed.
3. The existing shed in the sewer easement area may remain, subject to the Borough's right to remove it should it become necessary to repair the sewer line. If the shed is replaced, it will not require further action by the Board, provided that the new location is outside the sewer easement area and complies with required setbacks, and further provided that the footprint of the new shed does not exceed that of the existing shed.
4. The tax and utility payment certification shall be updated.
5. Approval signature lines need to be added to the plan.
6. The drywell detail shall note that the filter fabric is to be installed on the sides and top of the excavation only; not on the bottom.
7. The location of the existing borough sanitary sewer easement shall be staked out prior to construction to ensure it is not disturbed.
8. All application, escrow and inspection fees shall be paid in full and current at the time of issuance of zoning permits and construction permits. Engineering inspection fees will be paid out of the Applicant's escrow account, and the Applicant will replenish said account to the extent required to pay for said inspection fees.
9. This approval is subject to all other approvals required by any governmental agency having jurisdiction over the subject property.
10. This approval is subject to the payment in full of all taxes and assessments due and owing to the Borough of Mendham and/or any agency thereof.
11. Pursuant to Ordinance Section 124-22, the Variance relief granted herein shall expire within one year of the memorialization of this Resolution unless the construction or alteration of the improvements requiring Variance relief has actually been commenced during that time period, provided that the running of the one-year time period shall be tolled during the pending of any appeal of the Board's decision to the Borough Council or to a court of competent jurisdiction.

The undersigned does hereby certify that the foregoing is a true copy of the Resolution adopted by the Borough of Mendham Board of Adjustment memorializing the action taken by the Board at its meeting of 3/4/20.

Lisa Smith
Board Secretary

PUBLIC COMMENT

Chairman Seavey opened the meeting to the public for questions. There being none, the public session was closed.

MINUTES

Chairman Seavey asked for comments on the minutes of the regular meeting of March 3, 2020. Mr. Ritger noted that the date on the bottom of the second page needed to be changed. There being no other corrections, Chairman Seavey made a motion to approve the minutes as revised and Mr. Smith seconded.

ROLL CALL

In Favor: Mr. Palestina, Mr. Smith, Mr. Paone, Mr. Dick, Mr. Egerter, and Chairman Seavey

Opposed:

Abstain: Mr. Ritger

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ADJOURNMENT

There being no additional business to come before the Board, **Motion** was made by Chairman Seavey, seconded by Mr. Paone. On a voice vote, all were in favor. Chairman Seavey adjourned the meeting at 8:00PM.

The next meeting of the Board will be held on **Tuesday, June 2, 2020 at 7:30PM** at the Garabrant Center, 4 Wilson Street, Mendham, NJ.

Respectfully submitted,

Lisa Smith

Lisa Smith
Land Use Coordinator